



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 \* 989.837.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

REGULAR MEETING OF THE MIDLAND CITY COUNCIL  
City Hall, 333 W. Ellsworth Street

March 13, 2017

7:00 PM

AGENDA

CALL TO ORDER - Maureen Donker, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL - Thomas W. Adams  
Steve Arnosky  
Diane Brown Wilhelm  
Maureen Donker  
Marty A. Wazbinski

CONSIDERATION OF ADOPTING CONSENT AGENDA ITEMS:

All resolutions marked with an asterisk are considered to be routine and will be enacted by one motion. There will be no separate consideration of these items unless a Council member or citizen so requests during the discussion stage of the "Motion to adopt the Consent Agenda as indicated." If there is even a single request the item will be removed from the consent agenda without further motion and considered in its listed sequence in regular fashion.

APPROVAL OF MINUTES:

1. \* Approve minutes of the February 20 regular City Council meeting. TISDALE

PUBLIC HEARINGS:

2. Amendment to the 2016-17 General Fund budget to increase revenues by \$375,000 and expenditures by \$405,000 for renovations to the riverfront in upper Emerson Park (also see material sent in the February 20 agenda packet).  
MURPHY
3. Conditional Use Permit No. 58 - to approve a request of Midland County Habitat for Humanity for review and approval of a conditional land use for a single family dwelling in a RB Multiple Family Residential zoning district located at 310 Sam Street (also see material sent in the February 20 agenda packet). KAYE

4. Zoning Petition No. 609 - to amend the City of Midland zoning map by rezoning property located at 5706, 5712 and 5720 North Saginaw Road from Residential A-1 Single Family Residential zoning to Regional Commercial zoning (also see material sent in the February 20 agenda packet). KAYE

PUBLIC COMMENTS, IF ANY, BEFORE CITY COUNCIL. This is an opportunity for people to address the City Council on issues that are relevant to Council business but are not on the agenda.

RESOLUTIONS:

5. Directing the City Manager to prepare a report on the 2017 Sidewalk Improvement Program. MCMANUS
6. \* Receiving and filing the City Attorney's Report on the Annual Review of Liquor Licenses in the City of Midland. BRANSON
7. \* Approving the 2017 Dial-A-Ride Title VI Plan as required by the Federal Transit Administration Circular 4702.1B. MURPHY
8. \* Approving the request to conduct a Hike for Hearing 5k on Sunday, April 2. MCMANUS

Considering purchases and contracts:

9. \* Contracts and purchase of materials for Renovation Work on the Tridge. MURPHY
10. \* Street Tree Replacement Program. MURPHY
11. \* Slide-in Salter Body for existing City unit 3-38. MURPHY
12. \* Small Dump Truck with front mount snow plow. MURPHY
13. \* Park Mowing Services. MURPHY
14. \* E10 Ethanol Blend Unleaded Fuel purchase from February 15 (4/5 vote required). MURPHY
15. \* Winter Blend Diesel Fuel purchase from February 23 (4/5 vote required). MURPHY
16. \* 2017 Boston & Kentwood Reconstruction and Water Main; Contract No. 08. MCMANUS
17. \* 2017 MDOT Local Agency Projects Construction Engineering Services/Project Management. MCMANUS
18. \* 2017 E. Meadowbrook Reconstruction & Water Main; Contract No. 07. MCMANUS

19. \* MDOT Contract 17-5034; Reconstruction of E. Saint Andrews Road.  
MCMANUS

20. \* Inventory Purchases of Water Service Fittings - Water Distribution. SOVA

Setting a public hearing:

21. \* Zoning Petition No. 610 - to amend the City of Midland Zoning Map by rezoning property located at 506 and 718 East Buttles Street from RC Regional Commercial zoning to Downtown zoning (4/10). KAYE

22. \* Proposed 2017-18 Community Development Block Grant budget (4/24).  
KAYE

NEW BUSINESS:

TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION:

Citizen Comment Line:	837-3400
City of Midland website address:	<a href="http://www.cityofmidlandmi.gov">www.cityofmidlandmi.gov</a>
City of Midland email address:	<a href="mailto:cityhall@midland-mi.org">cityhall@midland-mi.org</a>
Government Information Center:	located near the reference desk at the Grace A. Dow Memorial Library

**Backup material for agenda item:**

1.       \* Approve minutes of the February 20 regular City Council meeting. TISDALE



## UNAPPROVED

February 20, 2017

A regular meeting of the City Council was held on Monday, February 20, 2017, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Thomas Adams, Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Councilmen absent: None

**MINUTES**

Approval of the minutes of the February 13, 2017 regular meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski. (Motion ADOPTED.)

**PUBLIC COMMENTS**

No public comments were made.

**INTERIM CITY MANAGER**

City Manager Jon Lynch presented information on the appointment of an Interim City Manager. The following resolution was then offered by Councilman Adams and seconded by Councilman Arnosky:

WHEREAS, a committee consisting of Mayor Pro Tem Wazbinski and Councilwoman Brown Wilhelm was appointed to meet with City Manager Lynch to designate the interim city manager upon Lynch's departure; now therefore

RESOLVED, that Assistant City Manager David Keenan is hereby appointed Interim City Manager effective May 1; and

RESOLVED FURTHER, that the appointment is subject to a memorandum of understanding outlining position responsibilities and compensation being signed by the Mayor and Mr. Keenan; and

RESOLVED FURTHER, that Mr. Keenan is also designated to be the City's representative on the MBS Airport Commission and the Saginaw Midland Municipal Water Authority until such time as a permanent city manager is selected. (Motion ADOPTED.)

**EXECUTIVE RECRUITMENT FIRM – CITY MANAGER POSITION**

Human Resources Director Carol Stone presented information on the scope of services for an executive recruitment firm to coordinate the selection process for the position of City Manager. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the City Council is desirous of obtaining proposals for an executive recruitment firm to coordinate the selection process for the position of city manager; and

WHEREAS, a scope of services has been developed and presented for City Council consideration; now therefore

RESOLVED, that the City Council hereby approves the scope of services and authorizes the Director of Human Resources to obtain proposals for an executive recruitment firm to coordinate the selection process for the position of city manager. (Motion ADOPTED.)

**2017 ANNUAL SIDEWALK REPORT**

City Engineer Brian McManus presented the 2017 Annual Sidewalk Report. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

RESOLVED, that in accord with Section 22-16 of the Code of Ordinances, the 2017 Annual Sidewalk Report is hereby received and is ordered filed in the City Clerk's Office. (Motion ADOPTED.)

**GRANTS RECEIVED FOR UPPER EMERSON PARK RIVERFRONT RENOVATIONS**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the City applied to the Michigan Natural Resources Trust Fund grant program for \$295,000 in funding to renovate a section of riverfront in upper Emerson Park; and

WHEREAS, in order to apply for the grant funds, it was necessary to amass a minimum of 25% of the grant request in local matching funds; and

WHEREAS, City Parks staff requested matching grant funds from local partners including the Midland Area Community Foundation, the Saginaw Bay Watershed Initiative Network and the Friends of the Pere Marquette Rail Trail; and

WHEREAS, the Midland Area Community Foundation pledged \$40,000, the Saginaw Bay Watershed Initiative Network pledged \$35,000 and the Friends of the Pere Marquette Rail Trail pledged \$5,000 in matching funds upon successful receipt of the Michigan Natural Resources Trust Fund grant; and

WHEREAS, the City received notification in December from Michigan Natural Resources Trust Fund board that the grant application for upper Emerson Park was successful in receiving funding for 2017; now therefore

RESOLVED, that the City Council accepts the generous matching funds totaling \$80,000 from the Midland Area Community Foundation, the Saginaw Bay Watershed Initiative Network and the Friends of the Pere Marquette Rail Trail. (Motion ADOPTED.)

**PROPOSED 2016-17 BUDGET AMENDMENT – UPPER EMERSON PARK RENOVATIONS**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the City has been awarded a grant from the Michigan Natural Resources Trust Fund for \$295,000 for renovations to the upper Emerson Park riverfront; and

WHEREAS, matching funds totaling \$80,000 have been pledged by local funding partners that include the Friends of the Pere Marquette Rail Trail, the Midland Area Community Foundation and the Saginaw Bay Watershed Initiative Network for a total grant revenue amount of \$375,000; and

WHEREAS, the FY 2016-17 Parks Capital Outlay budget already contains \$30,000 in City funds to be used toward the project but does not recognize the additional grant funding or associated project expenses; and

WHEREAS, in order to spend the grant funds for the purpose intended, it is necessary to amend the FY 2016-17 General Fund budget; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., March 13, 2017 in the Council Chambers of City Hall on the proposal to amend the FY 2016-17 General Fund budget to increase revenues by \$375,000 to recognize grant funds received and expenditures by \$405,000 to proceed with renovations to the riverfront in upper Emerson Park; and

RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland. (Motion ADOPTED.)

**BOILER REPLACEMENT – WATER TREATMENT PLANT**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the Midland Water Treatment Plant (WTP) is undertaking a project to replace the HVAC (heating, ventilation, and air conditioning) system and equipment located at the WTP; and

WHEREAS, an evaluation report, performed by Tetra Tech, Inc., determined that all of the HVAC equipment at the facility is at or near the end of its useful life and will need to be replaced within the next 5 to 8 years; and

WHEREAS, sealed proposals were received and opened for Bid No. 3793 Midland WTP Boiler Replacement for the demolition of the two heating hot water boilers, installation of three direct vent boilers, and replacement of heating hot water pumps and associated piping; and

WHEREAS, staff has reviewed the responses received and has determined that the low bid submitted by Goyette Mechanical of Flint in the amount of \$436,500.00 to be acceptable; and

WHEREAS, funding has been budgeted for this purpose in the 2017 Fiscal Water Fund account #591.9010.97.002 - Capital Construction; now therefore

RESOLVED, that the low bid submitted by Goyette Mechanical is hereby accepted and a purchase order is authorized in an amount not to exceed \$436,500.00 for the replacement of the boilers and related equipment at the WTP; and

RESOLVED FURTHER, that City Manager is authorized to approve changes to the purchase order in an aggregate amount not to exceed \$20,000.00. (Motion ADOPTED.)

**ANNUAL PURCHASE OF BITUMINOUS MATERIALS**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for furnishing bituminous materials; and

WHEREAS, funds have been provided in the Local and Major Street Fund budgets; now therefore

RESOLVED, that the Interim Assistant Controller is authorized to issue a purchase order to Pyramid Paving & Contracting Co. of Bay City, Michigan for furnishing and loading onto City trucks approximately 800 tons of Bituminous Mixture #2 for hot mix patching at a cost of \$49.15 per ton in accordance with the proposal and City specifications. (Motion ADOPTED.)

**ANNUAL PURCHASE OF CONCRETE**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for concrete and related materials; and

WHEREAS, sufficient funds are included in the Operating Supplies line item in General Fund and Street Fund activities and the total amount of purchases will not exceed the funding; now therefore

RESOLVED, that the Interim Assistant Controller is authorized to issue a purchase order to Elmer's Crane and Dozer, Inc. of Traverse City, Michigan for furnishing concrete and related materials at the unit prices contained in their February 7, 2017 response to Bid No. 3844 in accordance with the proposal and City specifications. (Motion ADOPTED.)

**ANNUAL PURCHASE OF CRUSHED LIMESTONE**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for furnishing 22A Crushed Limestone; and

WHEREAS, funds have been provided in the General Fund and Local and Major Street Fund budgets; now therefore

RESOLVED, that the Interim Assistant Controller is authorized to issue a purchase order to Fisher Transportation Co., Inc. of Mt. Pleasant, Michigan for delivering approximately 1,500 tons of 22A Crushed Limestone at a cost of \$16.41 per ton in accordance with the proposal and City specifications. (Motion ADOPTED.)

**CONDITIONAL USE PERMIT NO. 58**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, Midland County Habitat for Humanity submitted a request for a conditional land use permit for a single family dwelling in a RB Multiple Family Residential zoning district, located at 310 Sam Street; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation of approval, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on March 13, 2017, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the request for a conditional use permit; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the area proposed by transmitting notice on or before February 24, 2017 and to publish said notice on February 25, 2017. (Motion ADOPTED.)

**ZONING PETITION NO. 609**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, February 14, 2017 for property located at 5706, 5712 and 5720 North Saginaw Road for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from Residential A-1 Single Family Residential zoning to Regional Commercial zoning; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, March 13, 2017, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before February 24, 2017 and to publish said notice on February 25, 2017.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT

## UNAPPROVED

THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A REGIONAL COMMERCIAL ZONING DISTRICT WHERE A RESIDENTIAL A-1 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

5706 NORTH SAGINAW ROAD

BEG ON N LN SAGINAW RD ROW 654.26 FT SE OF INT WITH S 1/8 LN TH SE 25 FT NE 230 FT SE 120 FT SW 230 FT SE 70 FT NE 569 FT TO S 1/8 LN W ON 1/8 LN TO A PT 623 FT E OF N LN OF ROW SW 101.11 FT SE 140 FT SW 240 FT TO POB SEC 1

5712 NORTH SAGINAW ROAD

BEG ON N LN OF SAGINAW RD 679.26 FT SE OF INT WITH S 1/8 LN R1E TH NE 230 FT SE 120 FT SW 230 FT NW 120 FT TO POB

5720 NORTH SAGINAW ROAD

BEG 514.26 FT TO SE OF INT OF SAGINAW RD & S 1/8 LN TH SE 140 B FT NE 240 FT NW 140 FT SW 240 FT TO POB SEC 1 T14N

Be, and the same is hereby changed to Regional Commercial zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading.)

Being no further business the meeting adjourned at 7:25 p.m.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

2. Amendment to the 2016-17 General Fund budget to increase revenues by \$375,000 and expenditures by \$405,000 for renovations to the riverfront in upper Emerson Park (also see material sent in the February 20 agenda packet).

MURPHY

SUMMARY REPORT TO MANAGER

**For City Council Meeting of March 13, 2017**

**SUBJECT:** Amend the General Fund budget for the upper Emerson Park riverfront renovation project

**INITIATED BY:** Department of Public Services

**RESOLUTION SUMMARY:** This resolution amends the FY 2016-17 General Fund budget to increase revenues by \$375,000 and expenditures by \$405,000 for renovations to the riverfront in upper Emerson Park.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

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Karen Murphy  
Director of Public Services



February 24, 2017

Jon Lynch  
City Manager  
Midland, MI

RE: Amend the General Fund budget for the upper Emerson Park riverfront renovation project

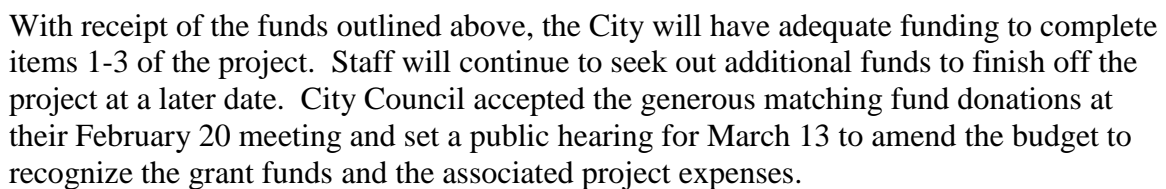
After three years of applying to the Michigan Natural Resources Trust Fund (MNRTF) grant program for funds to renovate the riverfront located in upper Emerson Park, staff received notification from the MNRTF board in December that the project has been selected for funding in 2017. The breakdown of revenue for the project is as follows:

MNRTF grant	\$295,000
Midland Area Community Foundation grant	\$ 40,000
Saginaw Bay Watershed Initiative Network grant	\$ 35,000
Friends of the Pere Marquette Rail Trail grant	\$ 5,000
City of Midland Parks Capital budget	\$ 30,000
Total project revenue:	\$405,000

The entire renovation proposal is a two-phased project that involves the following:

1. Repurposing the old water intake pump house into a river viewing platform with interpretive signage explaining the original purpose of the pump house as it related to the City’s drinking water supply and the importance of river water quality.
2. Removal of a portion of the existing Emerson Park roadway with the addition of a defined parking area, including an accessible path from the parking area to the river platform.
3. Addition of an accessible fishing dock and a section of boardwalk along the river bank that would include a floating dock for boaters to access the site.
4. Replacement of the existing old hand rail system along the seawall with the addition of seating areas and picnic tables.
5. Two pathways to connect the site to the Pere Marquette Rail Trail on either end of the project.





Respectfully Submitted,

Karen Murphy, Director of Public Services

## BY COUNCILMAN

WHEREAS, the City has been awarded a grant from the Michigan Natural Resources Trust Fund for \$295,000 for renovations to the upper Emerson Park riverfront; and

WHEREAS, matching funds totaling \$80,000 have been pledged by local funding partners that include the Friends of the Pere Marquette Rail Trail, the Midland Area Community Foundation and the Saginaw Bay Watershed Initiative Network for a total grant revenue amount of \$375,000; and

WHEREAS, the FY 2016-17 Parks Capital Outlay budget contains \$30,000 in City funds to be used toward the project but does not recognize the additional grant funding or associated project expenses; and

WHEREAS, in order to spend the grant funds for the purpose intended, it is necessary to amend the FY 2016-17 General Fund budget; and

WHEREAS, in accord with Sections 5.11, 11.4 and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, March 13, 2017, on the proposal to amend the FY 2016-17 General Fund Budget to recognize the unanticipated revenue, as well as increase expenditures to fund the costs associated with this project; now therefore

RESOLVED, that the FY 2016-17 General Fund Budget is hereby amended to increase revenues by \$375,000 to recognize grant funds received and expenditures by \$405,000 to proceed with renovations to the riverfront in upper Emerson Park,

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

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Selina Tisdale, City Clerk

2-20-17  
a. Accepted  
grant funds  
b. Set PH for  
3-13-17

(5)

## SUMMARY REPORT TO MANAGER

For City Council Meeting of February 20, 2017

**SUBJECT:** Accept grant funds and set a public hearing to amend the FY 2016-17 General Fund budget for the upper Emerson Park riverfront renovation project

**INITIATED BY:** Department of Public Services

### RESOLUTION SUMMARY:

- a. Accept matching grant funds from the Midland Area Community Foundation, the Saginaw Bay Watershed Initiative Network and the Friends of the Pere Marquette Rail Trail totaling \$80,000.
- b. Set a public hearing for March 13, 2017 at 7:00 p.m. in City Council Chambers on a proposal to amend the FY 2016-17 General Fund budget to increase revenues by \$375,000 and expenditures by \$405,000 for renovations to the riverfront in upper Emerson Park.

### ITEMS ATTACHED:

1. Letter of Transmittal
2. Grant letters (4)
3. Resolutions

### CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolutions

  
Karen Murphy  
Director of Public Services



Parks & Recreation ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640-2321 ♦ 989.837.6930 ♦ 989.835.5651 -Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

February 14, 2017

Jon Lynch  
City Manager  
Midland, MI

RE: Accept grant funds and set a public hearing to amend the FY 2016-17 General Fund budget for the upper Emerson Park riverfront renovation project

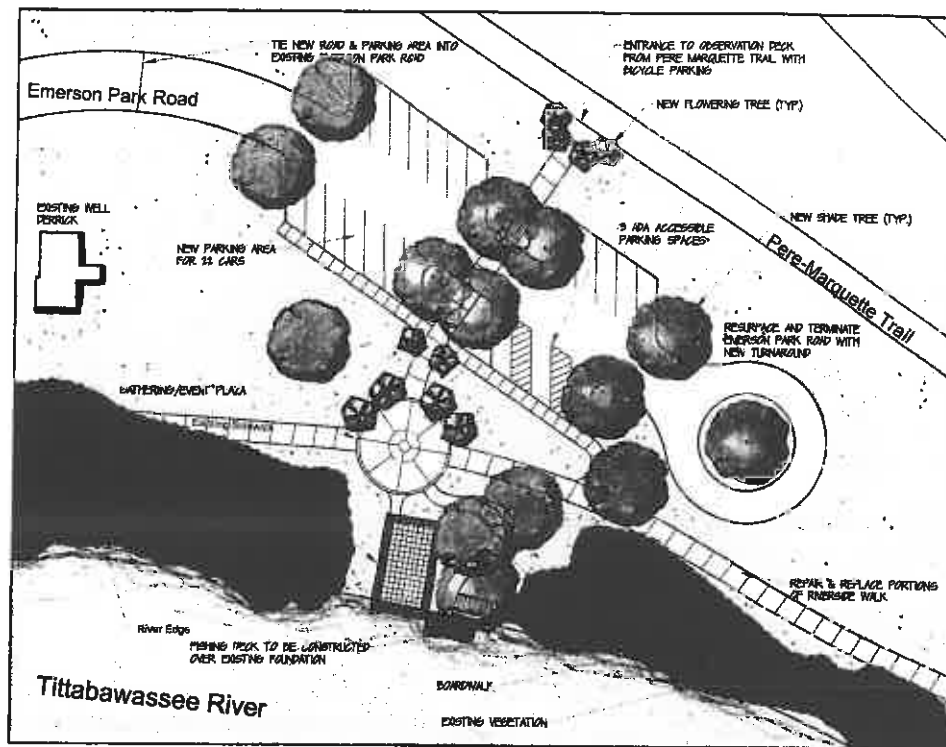
Parks staff have diligently applied to the Michigan Natural Resources Trust Fund (MNRTF) grant program for the past three years in hopes of securing funding for renovations to the riverfront located in upper Emerson Park. In December, the City received notification from the MNRTF board that the grant application has been selected for funding in 2017. The breakdown of funds is as follows:

MNRTF grant	\$295,000
Midland Area Community Foundation grant	\$ 40,000
Saginaw Bay Watershed Initiative Network grant	\$ 35,000
Friends of the Pere Marquette Rail Trail grant	\$ 5,000
City of Midland Parks Capital budget	\$ 30,000
Total project funds:	\$405,000

The entire renovation proposal is a two-phased project that involves the following:

1. Repurposing the old water intake pump house into a river viewing platform with interpretive signage explaining the original purpose of the pump house as it related to the City's drinking water supply and the importance of river water quality.
2. Removal of a portion of the existing Emerson Park roadway with the addition of a defined parking area, including an accessible path from the parking area to the river platform.
3. Addition of an accessible fishing dock and a section of boardwalk along the river bank that would include a floating dock for boaters to access the site.
4. Replacement of the existing old hand rail system along the seawall with the addition of seating areas and picnic tables.
5. Two pathways to connect the site to the Pere Marquette Rail Trail on either end of the project.

Jon Lynch  
Page Two  
February 14, 2016



With receipt of the funds outlined above, the City will have adequate funding to complete items 1-3 of the project. Staff will continue to seek out additional funds to finish off the project at a later date. Attached is a resolution that accepts the matching grant funds provided by the Midland Area Community Foundation, the Saginaw Bay Watershed Initiative Network and the Friends of the Pere Marquette Rail Trail. These generous funding commitments were instrumental in the City being eligible to apply for the MNRTF grant and staff is grateful for these commitments.

In addition to formally accepting the matching fund donations, the FY 2016-17 Parks Capital Outlay budget will need to be amended to recognize \$375,000 in grant fund revenue, and \$405,000 in expenses. The difference in revenue and expenses involved in the budget amendment is due to \$30,000 in City funds that are already programmed in the current year's Parks Capital Outlay budget.

Amending a budget requires a public hearing and Council involvement at two separate meetings: the first meeting to set the date for a public hearing, and the second to hold the public hearing. Attached is a resolution for City Council's consideration that schedules March 13 as the date for holding the public hearing on the proposed budget amendment.

Respectfully Submitted,

  
Karen Murphy, Director of Public Services



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

December 8, 2016

Ms. Karen Murphy  
City of Midland  
333 W. Ellsworth Street  
Midland, MI 48640

Dear Ms. Murphy:

SUBJECT: TF16-0155, Emerson Park River Overlook and River Walk Development

Congratulations! On behalf of Director Keith Creagh, Department of Natural Resources (DNR), I am writing to inform you that your application noted above was among those recommended for approval to receive a Michigan Natural Resources Trust Fund (MNRTF) development grant in the amount of \$295,000.

The MNRTF program provides funding assistance for local units of government and DNR outdoor recreation needs, including land acquisition and development of outdoor recreation facilities. The recommendation to fund your project was made by the MNRTF Board of Trustees.

A total of 172 applications were evaluated under this program totaling \$59.3 million in requests, and on December 7, 2016, the MNRTF Board of Trustees recommended funding the following projects:

1. Six state and 21 local unit of government land acquisition projects totaling \$27.7 million.
2. Eight state and 79 local unit of government outdoor recreation development projects totaling \$19.9 million.

A number of additional steps need to be taken before the DNR can offer you a grant for your project, including: 1) the DNR must receive legislative and Governor approval and an appropriation of funds for these projects; and 2) you will need to enter into an agreement with the DNR.

When funds become available to the DNR, Grants Management will contact you again with information on receiving your project agreement. You can begin your project as soon as this agreement is executed. You may not make any commitments toward starting this project or begin incurring project costs, except as outlined in the attached guidance, until an agreement between the grantee and the DNR is executed.

Ms. Karen Murphy  
Page 2  
December 8, 2016

Refer to the enclosed guidance outlining the steps you should be taking at this time to help ensure timely project completion. Even if you have received a MNRTF grant in recent years, you should read this document carefully since it provides updated information on project procedures.

Once again, congratulations on a successful grant application and we look forward to working with you to complete this important recreation project.

If you have any questions regarding your project or the MNRTF program, please contact Mr. Jon Mayes, MNRTF Program Manager, Grants Management, at 517-284-5954, or email [mayesi@michigan.gov](mailto:mayesi@michigan.gov), or you may contact me. Our mailing address is: Grants Management, Department of Natural Resources, P.O. Box 30425, Lansing, MI 48909-7925.

Sincerely,



Steven J. DeBrabander, Manager  
Grants Management  
517-284-5930  
[debrabanders@michigan.gov](mailto:debrabanders@michigan.gov)

Enclosure

cc: Mr. Mark Hoffman, Chief Administrative Officer, DNR  
Ms. Sharon Schafer, DNR  
Mr. Jon Mayes, DNR

THE  
CONSERVATION FUND

GREAT LAKES OFFICE  
P.O. BOX 754  
BAY CITY, MICHIGAN 48306  
(989) 892-9171  
FAX (989) 892-7172  
[www.conservationfund.org](http://www.conservationfund.org)

February 24, 2016

Ms. Karen Murphy  
Director of Public Services  
City of Midland Parks and Recreation  
4811 North Saginaw Road  
Midland, MI 48640

Dear Ms. Murphy:

Thank you for your letter of February 22, 2016 regarding the City of Midland's grant request to the Michigan Natural Resources Trust Fund for funding to support your Emerson Park renovations. We are excited that you plan to reapply, as like you, we feel that this is an extraordinary project that provides multiple public benefits as well as highlights one of our region's most important assets – the Tittabawassee River.

This letter serves as approval of extension of our previous \$35,000 grant toward the project. That grant was made through our Saginaw Bay Watershed Initiative Network program. This extension will be through May 1, 2017.

We look forward to a positive review of your MNRTF application. Please do not hesitate to contact me if I can provide any additional information.

Sincerely,



Michael Kelly, Director  
Great Lakes Office





February 26, 2016

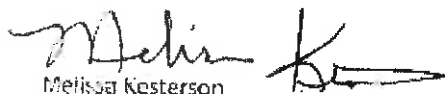
Dear Ms. Murphy,

Please allow this email to serve as verification from the Midland Area Community Foundation that we have received your request for an extension of the matching grant award of \$40,000.00 for the Emerson Park pump house and riverfront renovation project.

We firmly believe in this project and are willing to hold these funds until 6/1/17. If this timeline is not sufficient, please contact us and we can reevaluate at that time.

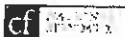
Best of luck on your resubmission to the 2016 MNRTF grant program. The Emerson Park pump house and riverfront renovation project has the capacity to be a great benefit to the Midland Community and to all who would utilize the area.

Regards,

  
Melissa Kesterson  
Program Officer

76 Ashman Circle - Midland, MI 48640 PHONE: 989.839.9561 FAX: 989.839.9907  
EMAIL: info@midlandfoundation.org WEB: midlandfoundation.org

**For good. For ever.®**



Confirmed in Compliance with National Standards for U.S. Community Foundations

**Date:** March 1, 2016

**To:** Karen Murphy  
Director of Public Services  
City of Midland, Michigan

**From:** Mark McCartney  
President, Friends of the Pere Marquette Rail Trail

**Re:** Support for Upper Emerson Riverside Park Project

The Friends of the Pere Marquette Rail Trail is a 501(c)3 not-for-profit organization dedicated to supporting the Pere Marquette Rail Trail. We fully support the Upper Emerson Riverside Park project including a donation of \$5,000 subject to a review of the final design and the inclusion of bike racks with our donation going towards the Pere Marquette trail bridge re-decking. Thank you.

BY COUNCILMAN

WHEREAS, the City applied to the Michigan Natural Resources Trust Fund grant program for \$295,000 in funding to renovate a section of riverfront in upper Emerson Park; and

WHEREAS, in order to apply for the grant funds, it was necessary to amass a minimum of 25% of the grant request in local matching funds; and

WHEREAS, City Parks staff requested matching grant funds from local partners including the Midland Area Community Foundation, the Saginaw Bay Watershed Initiative Network and the Friends of the Pere Marquette Rail Trail; and

WHEREAS, the Midland Area Community Foundation pledged \$40,000, the Saginaw Bay Watershed Initiative Network pledged \$35,000 and the Friends of the Pere Marquette Rail Trail pledged \$5,000 in matching funds upon successful receipt of the Michigan Natural Resources Trust Fund grant; and

WHEREAS, the City received notification in December from Michigan Natural Resources Trust Fund board that the grant application for upper Emerson Park was successful in receiving funding for 2017; now therefore

RESOLVED, that the City Council accepts the generous matching funds totaling \$80,000 from the Midland Area Community Foundation, the Saginaw Bay Watershed Initiative Network and the Friends of the Pere Marquette Rail Trail.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 20, 2017.

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Selina Tisdale, City Clerk



Parks & Recreation ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640-2321 ♦ 989.837.6930 ♦ 989.835.5651 -Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

BY COUNCILMAN

WHEREAS, the City has been awarded a grant from the Michigan Natural Resources Trust Fund for \$295,000 for renovations to the upper Emerson Park riverfront; and

WHEREAS, matching funds totaling \$80,000 have been pledged by local funding partners that include the Friends of the Pere Marquette Rail Trail, the Midland Area Community Foundation and the Saginaw Bay Watershed Initiative Network for a total grant revenue amount of \$375,000; and

WHEREAS, the FY 2016-17 Parks Capital Outlay budget already contains \$30,000 in City funds to be used toward the project but does not recognize the additional grant funding or associated project expenses; and

WHEREAS, in order to spend the grant funds for the purpose intended, it is necessary to amend the FY 2016-17 General Fund budget; now therefore

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m., March 13, 2017 in the Council Chambers of City Hall on the proposal to amend the FY 2016-17 General Fund budget to increase revenues by \$375,000 to recognize grant funds received and expenditures by \$405,000 to proceed with renovations to the riverfront in upper Emerson Park; and

RESOLVED FURTHER, that the City Clerk is hereby directed to give notice as provided in Section 5.11 of the Charter of the City of Midland.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 20, 2017.

---

Selina Tisdale, City Clerk

**Backup material for agenda item:**

3. Conditional Use Permit No. 58 - to approve a request of Midland County Habitat for Humanity for review and approval of a conditional land use for a single family dwelling in a RB Multiple Family Residential zoning district located at 310 Sam Street (also see material sent in the February 20 agenda packet). KAYE

**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 3-13-17**

**SUBJECT:** Conditional Use Permit No. 58 – Midland County Habitat for Humanity.

**PETITIONER:** Midland County Habitat for Humanity.

**PLANNING COMMISSION PUBLIC HEARING:** February 14, 2017

**SUMMARY:** APPROVE A REQUEST OF MIDLAND COUNTY HABITAT FOR HUMANITY FOR REVIEW AND APPROVAL OF A CONDITIONAL LAND USE FOR A SINGLE FAMILY DWELLING IN A RB MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT LOCATED AT 310 SAM STREET.

**ITEMS ATTACHED AND PREVIOUSLY TRANSMITTED:**

1. Letter to City Manager.
2. Resolution for Council action.
3. Staff Report to the Planning Commission dated February 8, 2017. (See packet from February 20, 2017.)
4. Planning Commission minutes of February 14, 2017. (public hearing) (See packet from February 20, 2017.)
5. Communication(s). (See packet from February 20, 2017)
6. Map showing location of property.
7. Site Plan. (See packet from February 20, 2017.)

**CITY COUNCIL ACTION:**

1. Public hearing is required. Date: March 13, 2017.
2. 3/5 vote required to approve resolution.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK/djm

3-8-17

March 8, 2017

Jon Lynch, City Manager  
City Hall - 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Lynch:

At its meeting on Tuesday, February 14, 2017 the Planning Commission considered Conditional Use Permit No. 58, the request of Midland County Habitat for Humanity, for review and approval of a conditional use permit for a single family dwelling in a RB Multiple Family Residential zoning district located at 310 Sam Street.

Conditional Use Permit petitions are subject to both non-discretionary (site plan) and discretionary standards. Discretionary standards are found in Section 28.03B of the City's zoning ordinance and are to be determined by the City Council during deliberation on the petition. They include: protection of public health, safety and general welfare, compatibility with surrounding land uses, detrimental effects, impact of traffic, adequacy of public services, protection of site characteristics, compatibility with natural environment, compatibility with the Master Plan and intent of Zoning Ordinance and public comments.

After deliberation on the petition, the Planning Commission took the following action:

It was moved and seconded that the Planning Commission recommend to City Council approval of Conditional Use Permit No. 58 subject to the following contingencies:

1. One (1) single-family dwelling shall be permitted on the property.
2. One (1) driveway shall be permitted to Sam Street.
3. Approval is granted to the proposed single family dwelling only. Any additional uses of the property shall be reviewed and approved in accordance with the standards of the City of Midland Zoning Ordinance, including the requirements for site plan approval under Article 27.

Vote on the motion:

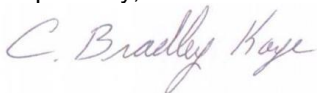
YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin and Tanzini  
NAYS: None  
ABSENT: Pnacek and Stamas

Motion was approved 7 to 0.

No public comments were received at the public hearing, and two letters of opposition were received on the petition.

On February 20, 2017, the City Council set a public hearing for the March 13, 2017 regular meeting at 7:00 p.m. to consider Conditional Use Permit No. 58.

Respectfully,



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK/djm  
LETTER OF TRANSMITTAL – Conditional Use Permit #58 PH



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov*

BY COUNCILMAN

WHEREAS, Midland County Habitat for Humanity submitted a request for a conditional land use permit for a single family dwelling in a RB Multiple Family Residential zoning district, located at 310 Sam Street; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation of approval, contingent upon the following:

1. One (1) single family dwelling shall be permitted on the property.
2. One (1) driveway shall be permitted to Sam Street.
3. Approval is granted to the proposed single family dwelling only. Any additional uses of the property shall be reviewed and approved in accordance with the standards of the City of Midland Zoning Ordinance, including the requirements for site plan approval under Article 27.

in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council finds the request for the conditional use permit to be in accord with Section 28.03 of the Zoning Ordinance of the City of Midland, and hereby approves Conditional Use Permit No. 57, in accord with documents provided and submitted at the meeting of February 20, 2017.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

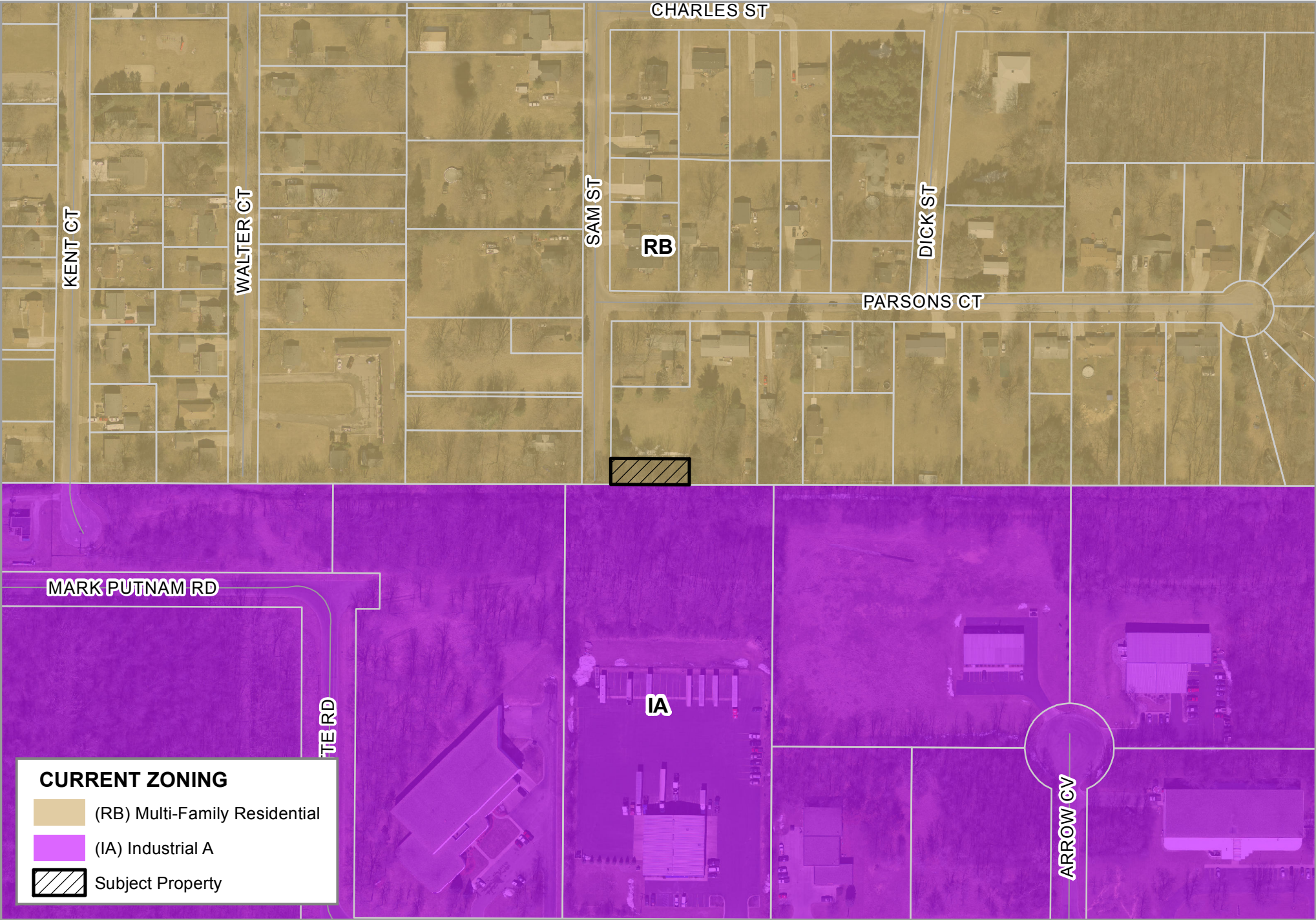
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Selina Tisdale, City Clerk



# CUP No. 58 - Midland County Habitat for Humanity

> 3000 Kent Street | Request to Permit a Single-Family Dwelling



2-20-17  
Set PH for  
3-13-17

(10)

**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 2-20-17**

**SUBJECT:** Conditional Use Permit No. 58 – Midland County Habitat for Humanity.

**PETITIONER:** Midland County Habitat for Humanity.

**PLANNING COMMISSION PUBLIC HEARING:** February 14, 2017

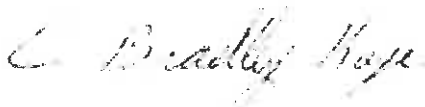
**SUMMARY:** THIS RESOLUTION WILL SET A PUBLIC HEARING TO CONSIDER A REQUEST OF MIDLAND COUNTY HABITAT FOR HUMANITY FOR REVIEW AND APPROVAL OF A CONDITIONAL LAND USE FOR A SINGLE FAMILY DWELLING IN A RB MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICT LOCATED AT 310 SAM STREET.

**ITEMS ATTACHED:**

1. Letter to City Manager.
2. Resolution for Council action.
3. Staff Report to the Planning Commission dated February 8, 2017.
4. Planning Commission minutes of February 14, 2017. (public hearing)
5. Communication(s).
6. Map showing location of property.
7. Site Plan.

**CITY COUNCIL ACTION:**

1. Public hearing is required. Date: March 13, 2017.
2. Advertising date: February 25, 2017  
Public Hearing notification to area residents mail date: February 24, 2017.
3. 3/5 vote required to approve resolution.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK/djm

2-15-17



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

February 15, 2017

Jon Lynch, City Manager  
City Hall - 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Lynch:

At its meeting on Tuesday, February 14, 2017 the Planning Commission considered Conditional Use Permit No. 58, the request of Midland County Habitat for Humanity for review and approval of a conditional use permit for a single family dwelling in a RB Multiple Family Residential zoning district located at 310 Sam Street.

Conditional Use Permit petitions are subject to both non-discretionary (site plan) and discretionary standards. Discretionary standards are found in Section 28.03B of the City's zoning ordinance and are to be determined by the City Council during deliberation on the petition. They include: protection of public health, safety and general welfare, compatibility with surrounding land uses, detrimental effects, impact of traffic, adequacy of public services, protection of site characteristics, compatibility with natural environment, compatibility with the Master Plan and intent of Zoning Ordinance and public comments.

After deliberation on the petition, the Planning Commission took the following action:

It was moved and seconded that the Planning Commission recommend to City Council approval of Conditional Use Permit No. 58 subject to the following contingencies:

1. One (1) single-family dwelling shall be permitted on the property.
2. One (1) driveway shall be permitted to Sam Street.
3. Approval is granted to the proposed single family dwelling only. Any additional uses of the property shall be reviewed and approved in accordance with the standards of the City of Midland Zoning Ordinance, including the requirements for site plan approval under Article 27.

Vote on the motion:

YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin and Tanzini  
NAYS: None  
ABSENT: Pnacek and Stamas

Motion was approved 7 to 0.

No public comments were received at the public hearing, and two letters of opposition were received on the petition.

The City Council is being requested to set a public hearing to consider Conditional Land Use Permit No. 58 for the March 13, 2017 regular meeting at 7:00 p.m.

Respectfully,

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK/djm  
LETTER OF TRANSMITTAL – Conditional Use Permit #58 set PH



*City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • www.cityofmidlandmi.gov*

**BY COUNCILMAN**

WHEREAS, Midland County Habitat for Humanity submitted a request for a conditional land use permit for a single family dwelling in a RB Multiple Family Residential zoning district, located at 310 Sam Street; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation of approval, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on March 13, 2017, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the request for a conditional use permit; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the area proposed by transmitting notice on or before February 24, 2017 and to publish said notice on February 25, 2017.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a     yea  
vote of all the Councilmen present at a regular meeting of the City Council held Monday,  
February 20, 2017.

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Selina Tisdale, City Clerk





Report No. CUP #58

Date: February 8, 2017

### STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Conditional Use Permit #58

APPLICANT: Midland County Habitat for Humanity

PROPOSED: 1 Single-Family Dwelling on a Parcel

LOCATION: 310 Sam Street

AREA: 0.13 Acres

ZONING: RB – Multiple-Family Residential

ADJACENT ZONING: North, East and West: RB Multiple-Family Residential  
South: IA Industrial

ADJACENT DEVELOPMENT: North, East and West: Single-family residential and vacant  
South: Vacant, wooded land

### BACKGROUND

Conditional Use Permit No. 58, the request of Midland County Habitat for Humanity, is to permit a single family dwelling to be located on a parcel located at 310 Sam Street. The property is presently vacant. The proposed dwelling will be constructed as part of a community build, scheduled to start in spring 2017.

The subject parcel is zoned RB Residential Multiple Family by the City of Midland Zoning Ordinance. The RB district permits a range of medium to higher density residential uses by right, but permits a single family dwelling only by conditional land use approval. This application has been submitted obtain the necessary conditional land use approval to permit the single family dwelling.

Habitat for Humanity in recent years has been working along this portion of Sam Street. In 2016, a CUP was approved for neighboring 309 Sam Street for a single-family residential dwelling. This house was constructed as part of a community build in summer 2016.

### CONDITIONAL USE PERMIT EVALUATION

Article 28.00 of the City of Midland Zoning Ordinance requires that the Planning Commission shall review the application for a conditional land use according to the procedures in this Article, together with the public hearing findings and reports and recommendations from the Planning and Community Development staff, City Engineering Department, Midland County

Road Commission, Midland County Health Department, Midland County Drain Commissioner, Fire Department, City of Midland City Police Department and other reviewing agencies. The Planning Commission shall then make a recommendation to the City Council, solely based on the requirements and standards of this Ordinance. The Planning Commission shall submit to the City Council a written recommendation of approval, denial, or approval with conditions within forty-five (45) days of the close of the public hearing required for a conditional land use proposal.

Approval of a conditional land use proposal shall be based on the determination that the proposed use will be consistent with the intent and purposes of this Ordinance, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Article 27.00, applicable site development standards for specific uses set forth in Article 9.00, and the following standards:

**A. Non-Discretionary Standards**

1. The conditional land use shall be in accord with the provisions of the Zoning Ordinance of the City of Midland. The specific criterion for each of the ordinance sections is outlined below.
2. Compliance with all of the standards in Section 27.06(A).
  - a. **Adequacy of Information**  
The applicant has submitted sufficient detail to illustrate the proposal, including a basic site plan illustrating the proposed location of the dwelling as it would be located on the site.
  - b. **Site Design Characteristics**  
The proposed dwelling would be consistent with the character and design of adjacent and nearby single family dwellings in the area. A single drive from Sam Street will be utilized. This drive and location are considered to be appropriate for the site.
  - c. **Landscaping**  
A collection of mature trees exists on the site which will largely be retained as part of the proposal. No specific landscaping standards exist for single family dwellings.
  - d. **Compliance with District Regulations**  
The subject site is a Nonconforming Lot of Record, as defined by Section 4.04 of the City Zoning Ordinance. This means that the lot was lawfully created at the effective date of adoption or amendment of the current zoning ordinance. Confirmation of this status has been determined through evaluation of the property's historic information held by the City Assessing Department. As a non-conforming lot of record, a permitted use may be built provided all other dimensional standards such as setbacks are complied with. The proposed site use will meet all district requirements regarding setback of the principal and proposed accessory building.
  - e. **Preservation of Natural Features**  
A collection of mature trees exists on the site and the majority will remain as part of the development. The few trees that will need to be removed will be located

near the front of the parcel where the proposed single-family residence will be built.

- f. Privacy**  
The site does not have or require privacy given the single family residential use proposed.
- g. Ingress and Egress**  
The proposed parcel will have vehicular access via a single driveway from Sam Street. This location is considered appropriate for the site.
- h. Pedestrian Circulation**  
Interior pedestrian circulation measures are not required for single-family residences.
- i. Vehicular Circulation**  
Vehicular circulation will be limited to that of a single family residence.
- j. Parking**  
Sufficient driveway area will be provided to accommodate required parking for a single family dwelling.
- k. Drainage**  
No drainage concerns have been identified in the review of this application.
- l. Soil Erosion & Sedimentation Control**  
Standard soil and sedimentation control measures will be utilized during construction. Final details will be required by the Building Department prior to construction permit approval.
- m. Exterior Lighting**  
Single family residential lighting is not regulated by the zoning ordinance.
- n. Public Services**  
Adequate public services (including utilities within the road right-of-way) exist to serve the site. Utility connections will need to be made and laterals will need to be installed to serve the residence. Any working within the road right-of-way will require a right-of-way permit from the City Engineering Department.
- o. Screening**  
Screening is not required for a single family dwelling.
- p. Sequence of development**  
This development consists only of one single family dwelling to be added to the existing site.
- q. Coordination with adjacent sites**  
The application impacts only the subject property. Coordination with adjacent sites is not required.

**r. Signs**

No signs are proposed.

**3. Access to the proposed development shall be in accordance with applicable city ordinances.**

The site will be accessed from a public road and will comply with city standards for driveway design.

**4. Adequate provision is made for fire protection within the site in accordance with Chapter 8 of the Code of Ordinances of the City of Midland.**

The proposed driveway will provide adequate emergency access to the proposed dwelling.

**B. Discretionary Standards** *(To be determined by the Planning Commission during deliberation on the request)*

**1. Protection of the Public Health, Safety, and General Welfare**

The establishment or maintenance of the conditional use shall not be detrimental to the public health, safety, or general welfare.

**2. Compatibility With Surrounding Uses**

The conditional use shall be located, designed, maintained and operated to be compatible with the existing or intended character of that zoning district and adjacent districts. In determining whether this requirement has been met, consideration shall be given by the Planning Commission to the following issues:

- a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- c. The hours of operation of the proposed use. Approval of a conditional land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses. Any proposed building shall be compatible with the predominant type of building in the particular district in terms of size, character, location or proposed use.
- e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a conditional land use.
- f. Hours of operation shall be compatible with the surrounding neighborhood.

**3. Detrimental Effects**

The proposed conditional land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety,



and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

**4. Impact of Traffic**

The location of the proposed conditional land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, the Planning Commission shall give consideration to the following:

- a. Proximity and access to major thoroughfares and other public streets.
- b. Estimated traffic generated by the proposed use.
- c. Proximity and relation to intersections.
- d. Adequacy of driver sight distances.
- e. Location of and access to off-street parking.
- f. Required vehicular turning movements.
- g. Provisions for pedestrian traffic.

**5. Adequacy of Public Services**

The proposed conditional land use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional land use is established.

**6. Protection of Site Characteristics**

The conditional use shall preserve and incorporate the site's important architectural, natural and scenic features into the development design.

**7. Compatibility with Natural Environment**

The proposed conditional land use shall be compatible with the natural environment and conserve natural resources and energy, and cause minimal adverse environmental effects.

**8. Compatibility with the Master Plan and Intent of Zoning Ordinance**

The proposed conditional land use shall be consistent with the general principles and objectives of the City's Master Plan and shall promote the intent and purpose of this Ordinance and of the use district.

**9. Public Comments**

One public comment in support has been received as of February 8, 2016.

**STAFF RECOMMENDATION**

The proposed use subject to this review is a single family dwelling. Upon careful review of the requested conditional land use permit, staff is supportive of the proposed land use and the issuance of a conditional use permit for that use. Although single family dwellings are not permitted by right in the RB zoning district, single family dwellings already surround the site to the north, west and east. While higher density residential development could occur on the site, a single family dwelling is both compatible and appropriate given existing land uses in the area.

If granted, staff recommends approval of the request for the following reasons and with added contingencies:

1. Conditional use permits require the evaluation of the objective criteria in this report. This development meets all of the objective criteria.
2. Conditional use permits also allow an evaluation of the subjective criteria listed in this report. Subject to the conditions of approval recommended, this development meets all of the subjective criteria.
3. The proposed use would not be generally detrimental to the general welfare of the adjacent parcels and neighborhood.
4. The site and use are consistent and compatible with abutting and nearby single family residential uses to the north, west and east.

**Contingencies:**

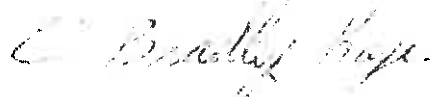
1. One (1) single-family dwelling shall be permitted on the property.
2. One (1) driveway shall be permitted to Sam Street.
3. Approval is granted to the proposed single family dwelling only. Any additional uses of the property shall be reviewed and approved in accordance with the standards of the City of Midland Zoning Ordinance, including the requirements for site plan approval under Article 27.

**PLANNING COMMISSION ACTION**

As a conditional land use petition, the Planning Commission may recommend contingencies and place conditions upon its action that it deems appropriate to address or mitigate any perceived impact of the proposed use on the site or adjoining parcels.

Staff currently anticipates that the Planning Commission will hold a public hearing on this plan at their February 14, 2017 meeting. If the Planning Commission is satisfied that all required information is available and no additional concerns are identified through the public hearing process, a recommendation to the City Council may then be formulated. If a recommendation is made following the public hearing on February 14, 2017, on February 20, 2017 the City Council will set a public hearing on this matter. Provided both actions take place, and given statutory notification and publication requirements, the City Council hearing will be scheduled for March 13, 2017. Please note that these dates are preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

/grm

**MINUTES OF THE MEETING OF THE  
MIDLAND CITY PLANNING COMMISSION  
WHICH TOOK PLACE ON  
TUESDAY, FEBRUARY 14, 2017, 7:00 P.M.,  
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman McLaughlin
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

**3. Roll Call**

**PRESENT:** Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, and Tanzini

**ABSENT:** Pnacek and Stamas

**OTHERS PRESENT:** Brad Kaye, Assistant City Manager for Development Services; Grant Murschel, Community Development Planner; and four (4) others.

**4. Approval of Minutes**

Moved by Hanna and seconded by Mayville to approve of the minutes as amended of the regular meeting of January 10, 2017. Motion passed unanimously.

**5. Public Hearing**

- a. **Zoning Petition No. 609** – initiated by Robert and Dana Murray and Jacob Keister to rezone the property located at 5706, 5712 and 5720 North Saginaw Road from Residential A-1 Single Family Residential zoning to Regional Commercial zoning.

Kaye gave the staff presentation on the item. He provided an overview of the petition and included that the petition covers a subject area that was part of a recent future land use designation change within the City's Master Plan. Previous to the Master Plan update, a zoning petition of the subject area was denied. If the zoning petition is approved, the two single-family residential houses will become nonconforming uses which will place limits on the properties as it relates to replacement and repairs or updates. These limits are established in the City Zoning Ordinance's nonconforming standards. Kaye also reviewed a sampling of the uses that are permitted in the proposed RC Regional Commercial zoning district. Staff is recommending approval of the petition.

Koehlinger wondered about the access management concerns that were discussed along this corridor previously by the Planning Commission. Kaye explained the current policies within the Master Plan and the standards for driveway spacing within the Zoning Ordinance are likely adequate to address this item on these particular sites given their size.

Dana Murray, 5712 N. Saginaw Road, spoke as a petitioner and property owner of a portion of the subject area. She appreciates the Master Plan changes that took place previously, and would recommend that the board supports it.

Heying wondered if Murray was aware of the limitations of making it a non-conforming structure. Murray that she is and further indicated that she sees no reason to put additional money into the structure for use as a single-family residential dwelling.

No one spoke in support or opposition of the proposal. The public hearing was closed.

**Planning Commission Minutes**  
**February 14, 2017**

A motion was made by Hanna to waive the procedural requirements to permit consideration of the proposed application. The motion was seconded by Heying. The motion was approved unanimously.

Heying commented that the Master Plan supports this now, and he sees no reason not to support the petition. Koehlinger indicated that the access management issues have been mitigated but the recent training on access management brought up other concerns. Kaye commented that stronger access management standards could be accomplished through amending the text of the Zoning Ordinance. Conditions cannot be applied to zoning petitions by the City or the Planning Commission. Only the applicant can offer voluntary conditions.

It was moved by Heying and supported by Hanna to recommend approval of Zoning Petition No. 609 initiated by Robert and Dana Murray and Jacob Keister to rezone the property located at 5706, 5712 and 5720 North Saginaw Road from Residential A-1 Single Family Residential zoning to Regional Commercial zoning.

YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, and Tanzini  
NAYS: None  
ABSENT: Pnacek and Stamas

- b. **Conditional Use Permit No. 58** – initiated by Midland County Habitat for Humanity to permit a single family dwelling in a RB Multiple Family Residential zoning district, located at 310 Sam Street.

Murschel gave the staff presentation on the proposal. He gave an overview of the petition as well as discussed questions by members of the Commission. He indicated that the site is a Lot of Record, as defined under the Zoning Ordinance. The site plan meets all district requirements for setbacks. Staff is recommending approval of the petition but has suggested three contingencies.

Jennifer Chappel, Executive Director of Midland County Habitat for Humanity, spoke as the applicant and property owner. She indicated that the site was donated by The Dow Chemical Company and that to her knowledge all remediation activities have taken place and the site has been cleared. The organization intends to build a single-family home through a community build; the future home owners have been identified and have begun their sweat equity hours.

No one spoke in support or opposition of the proposal. The public hearing was closed.

A motion was made by Hanna to waive the procedural requirements to permit consideration of the proposed application. The motion was seconded by Mayville. The motion was approved unanimously.

It was moved by Hanna and supported by Mayville to recommend approval of Conditional Use Permit No. 58 initiated by Midland County Habitat for Humanity to permit a single family dwelling in a RB Multiple Family Residential zoning district, located at 310 Sam Street.

YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, and Tanzini  
NAYS: None  
ABSENT: Pnacek and Stamas

**6. Old Business**

None

**7. Public Comments (unrelated to items on the agenda)**

None

**8. New Business**

None

**9. Communications**

The Planning & Zoning news was distributed to the Commission.

**10. Report of the Chairperson**

None

**11. Report of the Planning Director**

Kaye reported on the approval of the Zoning Petition No. 608 by City Council, and the acceptance of the gift offered by Momentum Midland towards a restoration and green space project at the former 4-D/Oldcastle industrial site.

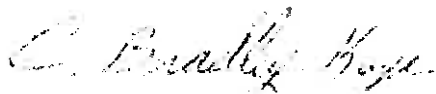
**12. Items for Next Agenda – February 28, 2017**

- a. Zoning Petition No. 610 – initiated by Michigan Baseball Foundation to rezone the property located at 506 and 713 East Buttles Street from RC Regional Commercial zoning to D Downtown zoning.

**13. Adjourn**

It was motioned by Heying and seconded by Mayville to adjourn at 8:13 p.m. Motion passed unanimously.

Respectfully submitted,



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

RECEIVED

FEB 9 2017

PLANNING DEPT

February 09, 2017

I Andree Sequin of 2504 Parsons Ct,  
wish to advise that I am apposed to  
the request of Habitat for Humanity's;  
Request to build at 310 Sam St.

Andree A. Sequin  
Andree A. Sequin

2504 Parsons Ct.  
Midland, Mi 48642

Ph. 989-496-0284

City of Midland  
Box 1647

Midland, Mi 48641-1647

Attn: Planning

## MCCANN REAL ESTATE RENTAL

JEFFERSON AVENUE • MIDLAND, MICHIGAN 48640 • (517) 835-1631

## MESSAGE

TO

Mr Brad Kaye

DATE

2-8-17

Dear Brad

a week ago I sent in to you  
a no objection statement in regards  
to the Request by Habitat for  
Humanity to Build at 310 Sam St  
not realizing the size of the lot. I  
am now in opposition to this  
request for there is several lot's  
available in the city that meet  
the required size

Tom McCann

## REPLY

DATE

RECEIVED  
FEB 12 1987  
PLANNING DEPT

SIGNED

INSTRUCTIONS TO RECEIVER:

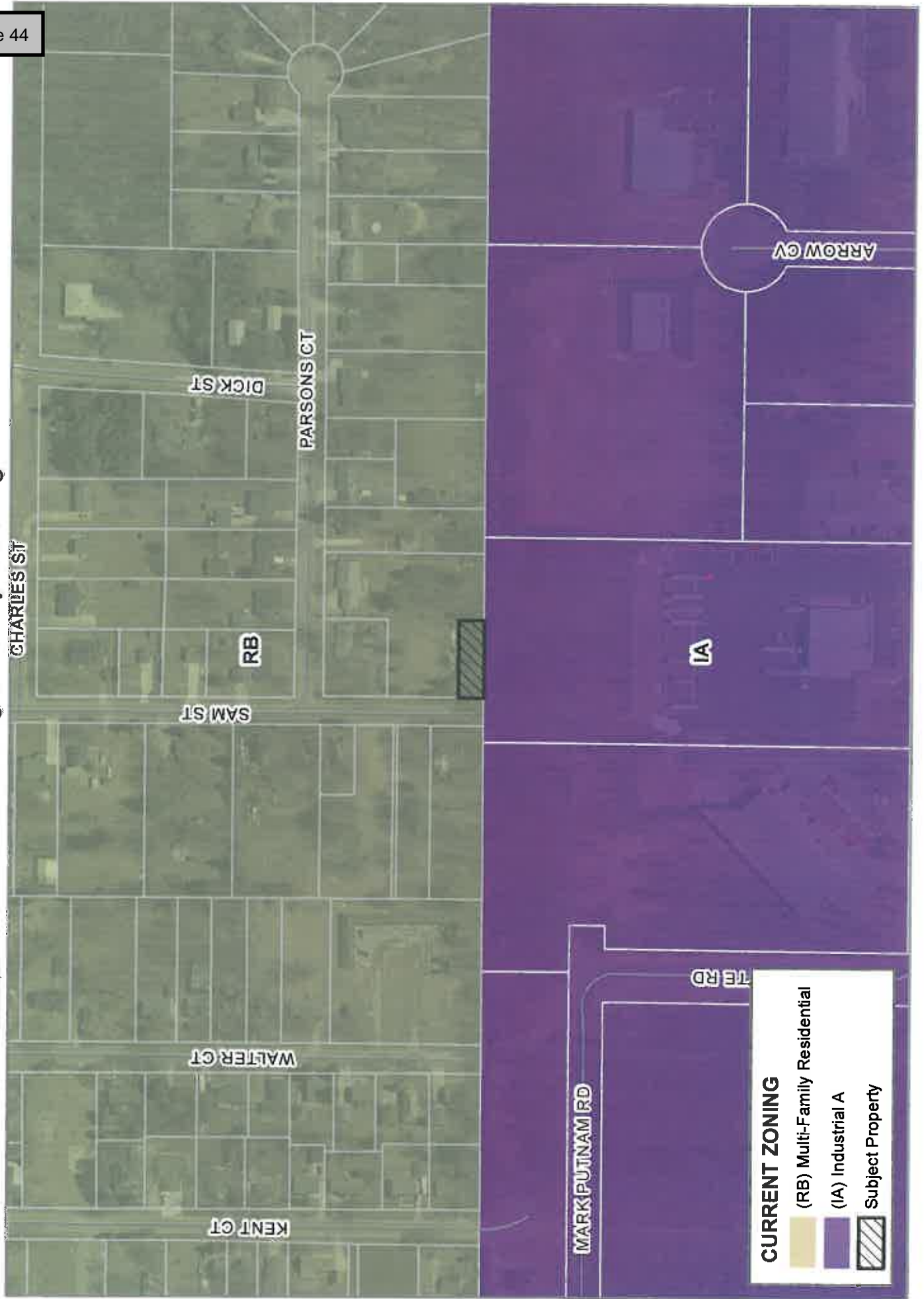
1. WRITE REPLY. 2. DETACH STUB, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.

Y  
3m # NR73 The Drawing Board, Dallas, Texas 75266-2429  
Wheeler Group, Inc., 1992  
INSTRUCTIONS TO SENDER:

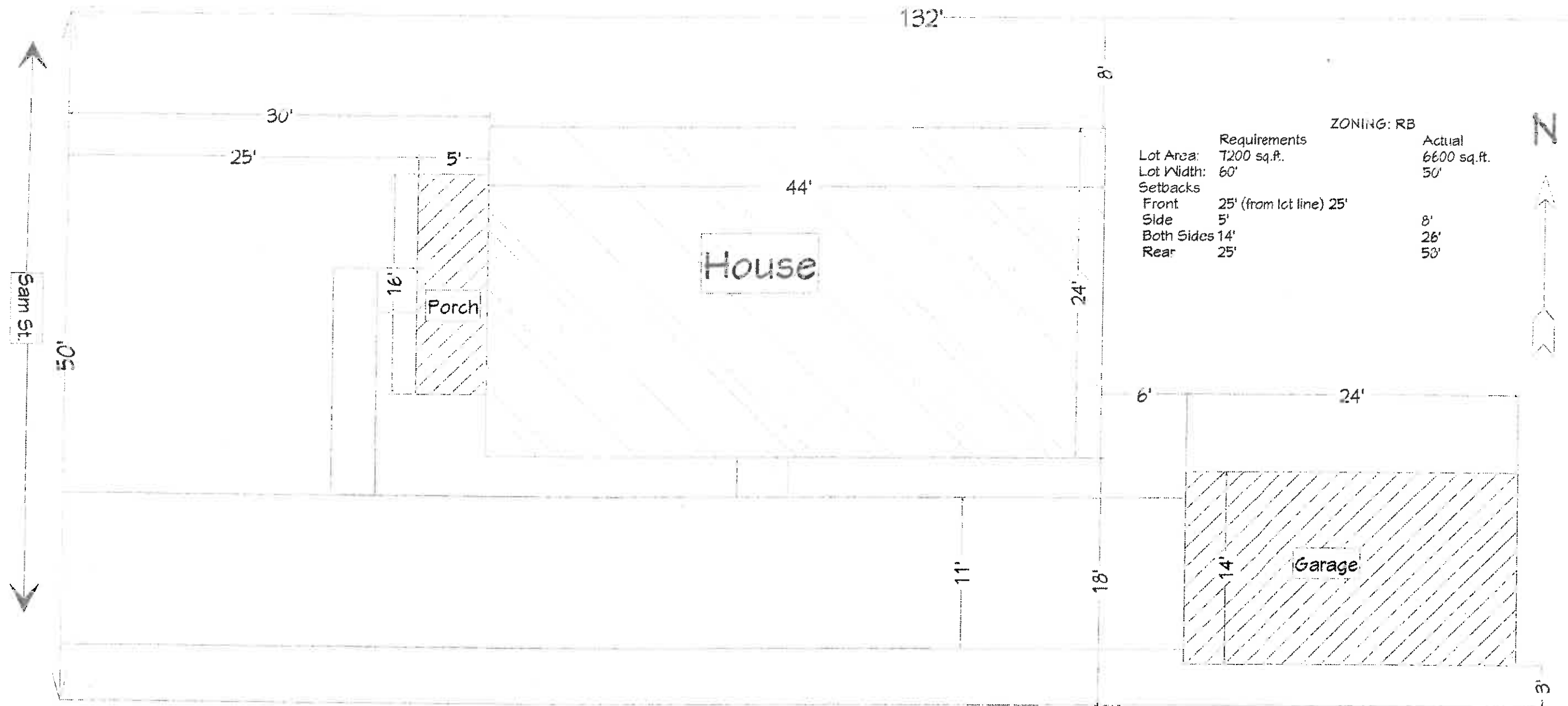
1. KEEP YELLOW COPY. 2. SEND WHITE AND PINK COPIES INTACT.

# CUP No. 58 - Midland County Habitat for Humanity

> 310 Sam Street | Request to Permit a Single-Family Dwelling







	Requirements	Actual
Lot Area:	7200 sq.ft.	6600 sq.ft.
Lot Width:	60'	50'
Setbacks		
Front	25' (from lot line)	25'
Side	5'	8'
Both Sides	14'	26'
Rear	25'	50'

ZONING: RB

REVISION	DATE	BY	DESCRIPTION
1	2/6/2017	MM	Initial

310 Sam St.  
Midland MI 48640

# SITE PLAN

DRAWINGS PROVIDED BY:  
Midland County Habitat for Humanity  
Matt Weckesser  
1703 S Saginaw Rd.  
Midland MI 48643  
909-496-0900

DATE:

2/6/2017

SCALE:

SHEET:

**Backup material for agenda item:**

4. Zoning Petition No. 609 - to amend the City of Midland zoning map by rezoning property located at 5706, 5712 and 5720 North Saginaw Road from Residential A-1 Single Family Residential zoning to Regional Commercial zoning (also see material sent in the February 20 agenda packet). KAYE

**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 3-13-17**

**SUBJECT:** Zoning Petition No. 609

**PETITIONER:** Robert and Dana Murray and Jacob Keister

**PLANNING COMMISSION PUBLIC HEARING:** February 14, 2017

**PLANNING COMMISSION ACTION:** Recommendation of approval.

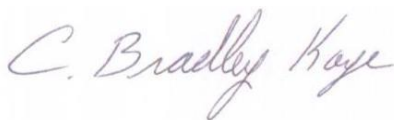
**SUMMARY:** AMEND THE CITY OF MIDLAND ZONING MAP BY REZONING PROPERTY LOCATED AT 5706, 5712 AND 5720 NORTH SAGINAW ROAD FROM RESIDENTIAL A-1 SINGLE FAMILY RESIDENTIAL ZONING TO REGIONAL COMMERCIAL ZONING.

**ITEMS ATTACHED AND PREVIOUSLY TRANSMITTED:**

1. Letter to City Manager setting forth Planning Commission action.
2. Ordinance for City Council Action.
3. Staff Report to Planning Commission dated February 5, 2017. (See packet from February 20, 2017.)
4. Planning Commission minutes of February 14, 2017 (public hearing). (See packet from February 20, 2017.)
5. Communication(s). (See packet from February 20, 2017.)
6. Map showing location of property.

**CITY COUNCIL ACTION:**

1. Public hearing is required. Date: March 13, 2017.
2. 3/5 vote required.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK

3-8-17



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

March 8, 2017

Jon Lynch, City Manager  
City Hall - 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Lynch:

At its meeting on Tuesday, February 14, 2017, the Planning Commission considered Zoning Petition No. 609, the request of Robert and Dana Murray and Jacob Keister to rezone the property located at 5706, 5712 and 5720 North Saginaw Road from Residential A-1 Single Family Residential zoning to RC Regional Commercial zoning.

After deliberation on the petition, the Planning Commission took the following action:

Motion by Heying and seconded by Hanna to recommend to City Council the approval of Zoning Petition No. 609 initiated by Robert and Dana Murray and Jacob Keister to zone the property at 5706, 5712 and 5720 North Saginaw Road from Residential A-1 Single Family Residential zoning to Regional Commercial zoning.

Vote on the motion:

YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, and Tanzini  
NAYS: None  
ABSENT: Pnacek and Stamas

The motion was approved 7 to 0.

No public comments were received at the public hearing held by the Planning Commission. One letter of support was received on the petition.

On February 20, 2017 the City Council set a public hearing for March 13, 2017 at 7:00 p.m. to consider Zoning Petition No. 609. A resolution approving the petition is now presented for City Council consideration following conclusion of the public hearing.

Respectfully,

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK/djm

LETTER OF TRANSMITTAL – ZP #609 PH

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A REGIONAL COMMERCIAL ZONING DISTRICT WHERE A RESIDENTIAL A-1 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

5706 NORTH SAGINAW ROAD

BEG ON N LN SAGINAW RD ROW 654.26 FT SE OF INT WITH S 1/8 LN TH SE 25 FT NE 230 FT SE 120 FT SW 230 FT SE 70 FT NE 569 FT TO S 1/8 LN W ON 1/8 LN TO A PT 623 FT E OF N LN OF ROW SW 101.11 FT SE 140 FT SW 240 FT TO POB SEC 1

5712 NORTH SAGINAW ROAD

BEG ON N LN OF SAGINAW RD 679.26 FT SE OF INT WITH S 1/8 LN R1E TH NE 230 FT SE 120 FT SW 230 FT NW 120 FT TO POB

5720 NORTH SAGINAW ROAD

BEG 514.26 FT TO SE OF INT OF SAGINAW RD & S 1/8 LN TH SE 140 B FT NE 240 FT NW 140 FT SW 240 FT TO POB SEC 1 T14N

Be, and the same is hereby changed to Regional Commercial zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a \_\_\_\_\_ yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

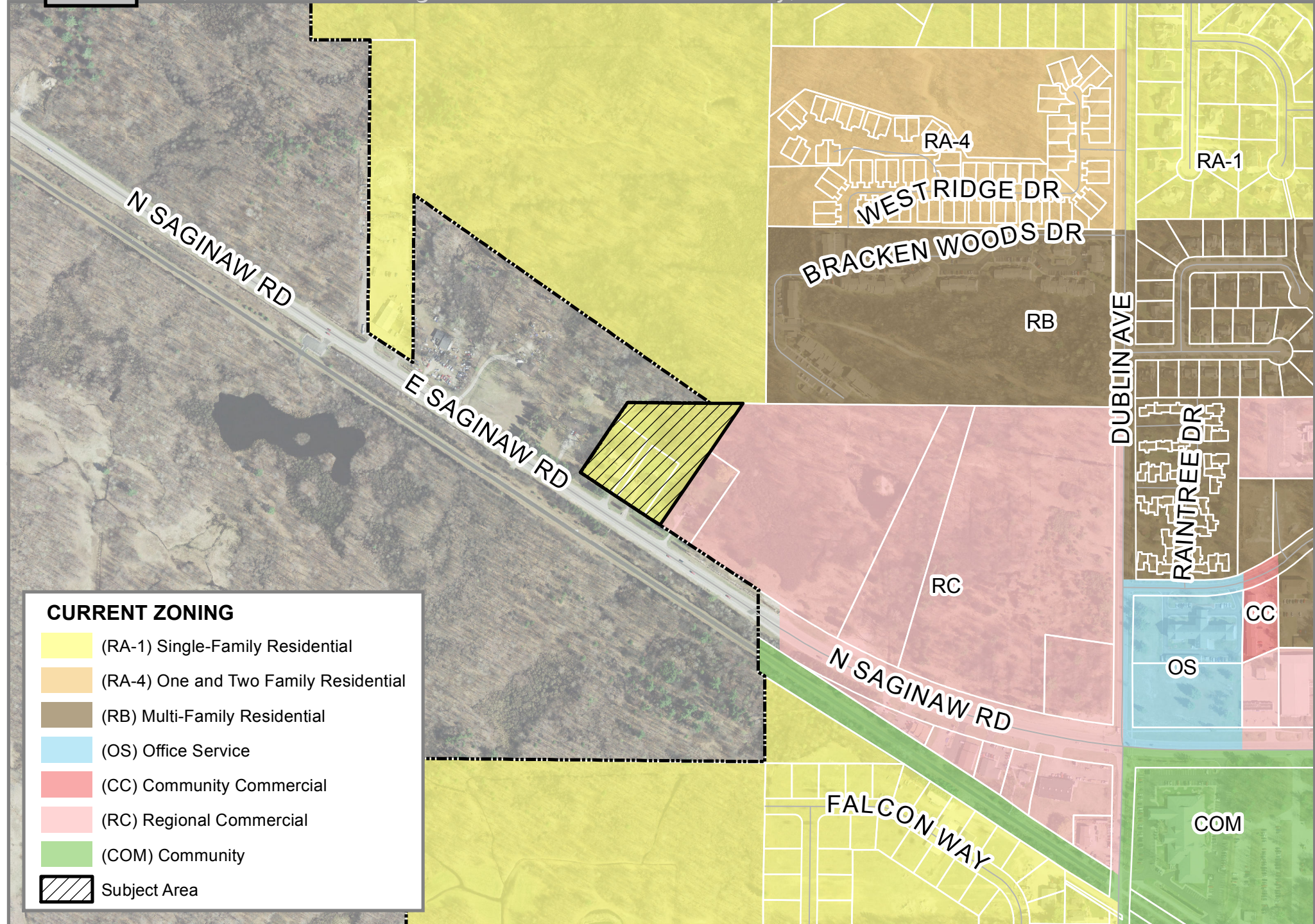
\_\_\_\_\_  
Selina Tisdale, City Clerk



# ZP #609 | RA-1 Residential to RC Regional Commercial

> 5712, & 5720 North Saginaw Road - R. & D. Murray, and J. Keister

Page 50



2-20-17  
Set PH for  
3-13-17

(11)

**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 2-20-17**

**SUBJECT:** Zoning Petition No. 609

**PETITIONER:** Robert and Dana Murray and Jacob Keister

**PLANNING COMMISSION PUBLIC HEARING:** February 14, 2017

**PLANNING COMMISSION ACTION:** Recommendation of approval.

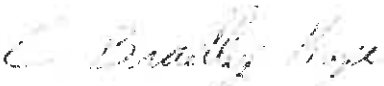
**SUMMARY:** ACTION TO SET A PUBLIC HEARING TO AMEND THE CITY OF MIDLAND ZONING MAP BY REZONING PROPERTY LOCATED AT 5706, 5712 AND 5720 NORTH SAGINAW ROAD FROM RESIDENTIAL A-1 SINGLE FAMILY RESIDENTIAL ZONING TO REGIONAL COMMERCIAL ZONING.

**ITEMS ATTACHED:**

1. Letter to City Manager setting forth Planning Commission action.
2. Resolution for City Council Action.
3. Staff Report to Planning Commission dated February 5, 2017.
4. Planning Commission minutes of February 14, 2017 (public hearing).
5. Communication(s).
6. Map showing location of property.

**CITY COUNCIL ACTION:**

1. Public hearing is required. Date: March 13, 2017.
2. Advertising date: February 25, 2017
3. Public Hearing notification to area residents mail date: February 24, 2017.
4. 3/5 vote required to set a public hearing.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK

2-15-17





*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov*

February 15, 2017

Jon Lynch, City Manager  
City Hall - 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Lynch:

At its meeting on Tuesday, February 14, 2017, the Planning Commission considered Zoning Petition No. 609, the request of Robert and Dana Murray and Jacob Keister to rezone the property located at 5706, 5712 and 5720 North Saginaw Road from Residential A-1 Single Family Residential zoning to RC Regional Commercial zoning.

After deliberation on the petition, the Planning Commission took the following action:

Motion by Heying and seconded by Hanna to recommend to City Council the approval of Zoning Petition No. 609 initiated by Robert and Dana Murray and Jacob Keister to zone the property at 5706, 5712 and 5720 North Saginaw Road from Residential A-1 Single Family Residential zoning to Regional Commercial zoning.

Vote on the motion:

YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, and Tanzini  
NAYS: None  
ABSENT: Pnacek and Stamas

The motion was approved 7 to 0.

No public comments were received at the public hearing held by the Planning Commission. One letter of support was received on the petition.

The City Council is therefore being requested to set a public hearing to consider Zoning Petition No. 609 for March 13, 2017 at 7:00 p.m.

Respectfully,

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK/djm

LETTER OF TRANSMITTAL – ZP #609 Set PH





City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

**BY COUNCILMAN**

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, February 14, 2017 for property located at 5706, 5712 and 5720 North Saginaw Road for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from Residential A-1 Single Family Residential zoning to Regional Commercial zoning; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, March 13, 2017, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before February 24, 2017 and to publish said notice on February 25, 2017.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A REGIONAL COMMERCIAL ZONING DISTRICT WHERE A RESIDENTIAL A-1 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

**5706 NORTH SAGINAW ROAD**

BEG ON N LN SAGINAW RD ROW 654.26 FT SE OF INT WITH S 1/8 LN TH SE 25 FT NE 230 FT SE 120 FT SW 230 FT SE 70 FT NE 569 FT TO S 1/8 LN W ON 1/8 LN TO A PT 623 FT E OF N LN OF ROW SW 101.11 FT SE 140 FT SW 240 FT TO POB SEC 1

**5712 NORTH SAGINAW ROAD**

BEG ON N LN OF SAGINAW RD 679.26 FT SE OF INT WITH S 1/8 LN R1E TH NE 230 FT SE 120 FT SW 230 FT NW 120 FT TO POB

**5720 NORTH SAGINAW ROAD**

BEG 514.26 FT TO SE OF INT OF SAGINAW RD & S 1/8 LN TH SE 140 B FT NE 240 FT NW 140 FT SW 240 FT TO POB SEC 1 T14N

Be, and the same is hereby changed to Regional Commercial zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, February 20, 2017.

---

Selina Tisdale, City Clerk



ZP #609

Date: February 5, 2017

### STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Zoning Amendment Petition #609 (Rezoning Request)

APPLICANT: R. & D. Murray, and J. Keister

LOCATION: 5706, 5712, and 5720 N. Saginaw Road

AREA: 3.54 acres

ZONING:           EXISTING           RA-1 Single-Family Residential  
                      PROPOSED       RC Regional Commercial

ADJACENT ZONING:           North: Homer Township Zoning, and RA-1 Single-Family Residential  
                                      East: RC Regional Commercial  
                                      South: Homer Township Zoning  
                                      West: Homer Township Zoning

ADJACENT DEVELOPMENT:   North: Wooded land, vacant  
                                      East: Single-family residence, vacant, wooded land  
                                      South: Pere-Marquette Rail-Trail, vacant, wooded land  
                                      West: Single-family residence

### REPORT

Zoning Petition No. 609, initiated by R. & D. Murray, and J. Keister, proposes to rezone property located at 5706, 5712, & 5720 N. Saginaw Road from RA-1 Single-Family Residential zoning to RC Regional Commercial zoning. The application does not include any proposed conditions; therefore, the full contents of RC Regional Commercial zoning must be considered.

### BACKGROUND

These parcels are currently zoned RA-1 Single-Family Residential, along with the city property to the north of the subject. In 2014, an identical zoning petition (ZP #590) was considered and ultimately denied by the Midland City Council following a recommendation of denial by the Planning Commission. At that time, the City's Master Plan designated the subject properties for Medium Density Residential purposes. As part of ZP #590, the applicant included a request for the Planning Commission to reconsider the Future Land Use designation of the subject sites within the Master Plan. Following the recommendation of denial of ZP #590, the Planning

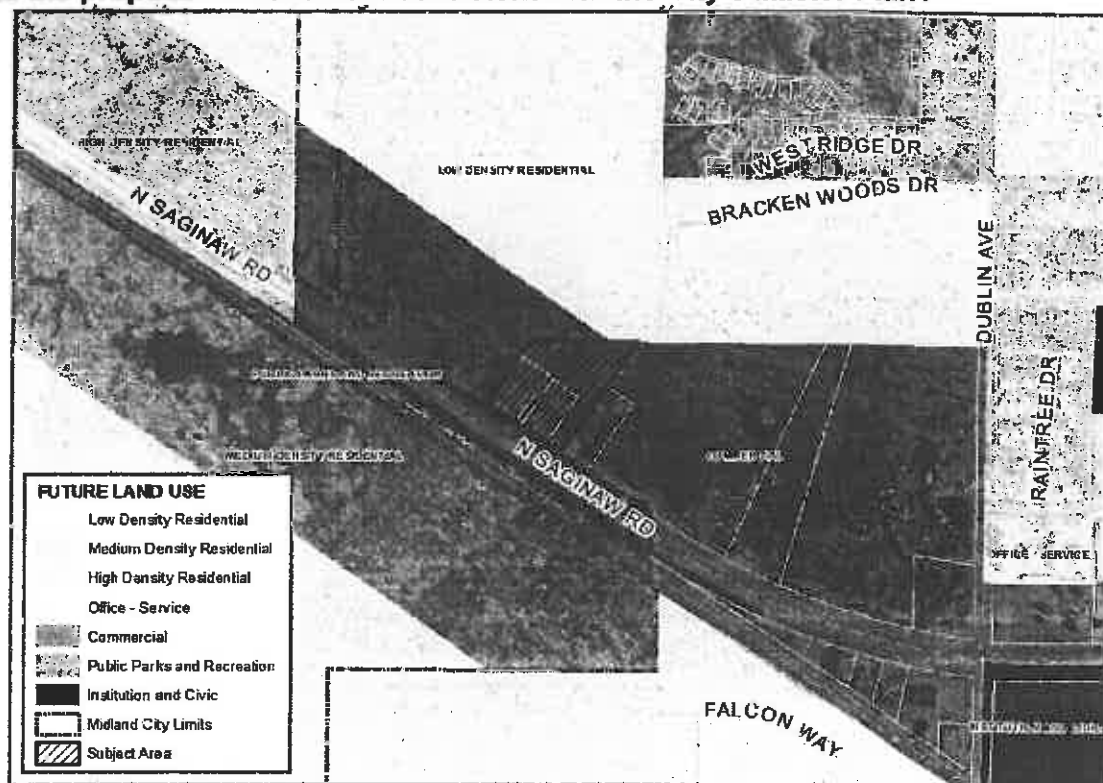
Commission decided to reconsider the future land use designation of the subject sites and the surrounding area.

In 2016, following a process of public engagement and consultation with the City Council, the Planning Commission adopted an updated Master Plan that contained a variety of changes to the Future Land Use map. One of the changes included the subject properties and the surrounding lands to the northwest, west, and south. This change resulted in the subject sites, along with three properties to the immediate northwest, being designated for commercial purposes as part of an expansion of the existing commercially designated area along N. Saginaw Road. Following these revisions to the Master Plan, the applicants have submitted this petition that is now supported by the amended future land use designations.

### ASSESSMENT

In accordance with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at minimum, consider the following before taking action on any proposed zoning map amendment:

**1. Is the proposed amendment consistent with the City's Master Plan?**



Yes.

The Future Land Use map of the City's Master Plan identifies this property as Commercial.

The intended land uses of Commercial designated areas vary dependent upon the size and geographic location of the planned areas. In the case of this application, the subject site is part of the Commercial designated area that expands to the east towards the

intersection of Dublin Avenue and N. Saginaw Road, as well as to the west along N. Saginaw Road. This commercial area is considered to be a large concentration by the City's Master Plan, allowing for large scale commercial development.

**2. Will the proposed amendment be in accordance with the intent and purpose of the Zoning Ordinance?**

Yes. In staff's opinion, the proposed rezoning would promote the intent of the zoning code through reclassification of the parcel as stated (outlined below) in the City's zoning code.

**Section 1.02 B INTENT**

*It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Midland by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to minimize congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities; to establish standards for physical development in accordance with the objectives and policies contained in the Master Plan (Comprehensive Development Plan); and to provide for the administration and enforcement of such standards.*

**3. Have conditions changed since the Zoning Ordinance was adopted that justifies the amendment?**

Yes. Conditions that impact this parcel have changed since the zoning ordinance was adopted. In the later part of 2016, the City's Master Plan and particularly the Future Land Use map within the Master Plan were updated. Careful consideration was given to this portion of the city and the size of the Commercial designated area that has been mentioned. After consultation with the subject property owners, as well as a sampling of the neighboring property owners, the City Planning Commission ultimately decided to expand the Commercial designated area further west along N. Saginaw Road. This expansion included the three subject properties of this zoning petition, as well as the three properties to the immediate west, on the north side of N. Saginaw Road.

The change to the Future Land Use map designation followed an unsuccessful zoning petition by the same applicants in 2014. Following consideration of that proposal, Zoning Petition #590, the Planning Commission agreed to reconsider the future land use designation of this area during their next Master Plan updating process. As indicated above, the amendment of the Future Land Use map designation to Commercial for the subject properties now supports the desired rezoning of this petition.

**4. Will the amendment merely grant special privileges?**

No. The immediate area is planned for commercial development by the City. The proposed use of the subject parcel and those of the adjoining parcels are suitable for commercial development. Approval of this amendment will grant privileges that are envisioned by the Master Plan.

**5. Will the amendment result in unlawful exclusionary zoning?**

No. The zoning amendment would continue an adjacent pattern of zoning designation. This parcel would be one of several that are zoned RC in this immediate area.

**6. Will the amendment set an inappropriate precedent?**

No. The zoning petition is supported by the city's Master Plan.

**7. Is the proposed zoning consistent with the zoning classification of surrounding land?**

Yes. Surrounding lands exhibit a pattern of commercial zoning. The proposed zoning amendment will permit a wide variety of commercially-oriented development, which is considered an appropriate use given the surrounding development that is envisioned by the Master Plan and currently permitted by zoning on lands to the immediate east.

**8. Is the proposed zoning consistent with the future land use designation of the surrounding land in the City Master Plan?**

Yes. The current Master Plan, as updated in 2016, support the subject properties to be used for commercial purposes. The RC Regional Commercial zoning is an appropriate zoning district to facilitate the Master Plan's vision for the subject properties.

**9. Could all requirements in the proposed zoning classification be complied with on the subject parcel?**

Yes. The subject parcels could meet all of the RC Regional Commercial requirements for new developments. Two of the three parcels at this time, however, are used for residential purposes and will become nonconforming uses if this zoning petition is approved. As nonconforming uses, the residences will face additional restrictions. Included in these restrictions are a prohibition on replacing the structure should it be damaged or destroyed, and limitations on the amount of maintenance and structural repairs that may be performed (50% of assessed value over 12 months).

**10. Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?**

Partially. The zoning of this parcel for Regional Commercial purposes will not be entirely consistent with the land use development trend along the Saginaw Road corridor. Commercial zoning and use of the property would be consistent with the zoning of lands to the east, and with Township zoning of the lands to the west and south, but would be inconsistent with existing and planned land uses to the north. Commercial designation would be inconsistent with residential development that is approaching Saginaw Road from north of the subject parcels and is likely to require an outlet to Saginaw Road. While sites to the immediate east of the subject property have been zoned for commercial purposes, development has largely not ensued due to a variety of reasons including the existence of a fair extent of regulated wetlands.

### **ADDITIONAL STAFF COMMENTS**

Two of the three parcels proposed for rezoning have existing single-family residences located on them. Rezoning parcels with existing viable housing on them for commercial purposes may be justified when demand for commercial property exists. In this situation, the use of these properties for residential purposes into the foreseeable future appears probable and rezoning them to Regional Commercial, thus making these residences nonconforming uses, could be unwarranted. It is, however, important to consider the property owner's desires to develop the property in a particular way. In this case, the property owners have indicated they are wanting to develop the sites for commercial purposes in the future. With the recent amendment to the Master Plan, these desires are now in alignment with the future land use designation of the subject properties.

In the most previous zoning petition on the subject properties, Planning Staff indicated concerns regarding the removal of residential frontage along this portion of Saginaw Road. It should be noted that these concerns were alleviated when the last Master Plan update established High Density Residential designation along the frontage of Saginaw Road to the northwest of the subject sites.

At the same time, Planning Staff also raised concerns regarding the impact on traffic movements along N. Saginaw Road by way of intensifying zoning of the subject sites, in addition to concerns regarding linear, strip commercial development along the corridor. These two concerns were both considered during deliberations on the updating of the Master Plan. Ultimately, the Planning Commission decided that site design is the primary means of mitigating these issues and that expansion of the commercially designated area by itself would not necessarily create these issues. Given this thought process, staff is prepared to address these concerns during any future site development review processes such as site plans, or conditional use permit requests.

Two written public comments have been received in support of the petition which have been enclosed in the staff packet.

### **STAFF RECOMMENDATION**

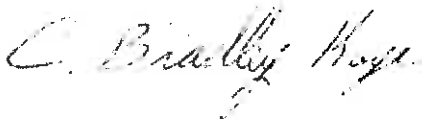
Upon review of the requested zoning change, staff recommends approval of the rezoning petition for the following reasons:

- The proposed zoning is a reasonable and logical extension of existing commercial zoning in the area.
- RC Regional Commercial zoning is a reasonable and appropriate zoning classification that will permit development of the subject lands for uses compatible with the neighboring commercial and multiple-family development.
- RC Regional Commercial zoning would continue the development pattern envisioned by the City of Midland Master Plan.
- The proposed zoning district is considered appropriate given the anticipated future development patterns in the area as envisioned by the current property owners.
- Two written public comments have been received in support of the zoning petition from neighboring property owners of 5700 N. Saginaw Road and 5828 N. Saginaw Road.

## PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on February 14, 2017 and will formulate an appropriate recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on February 20, 2017 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council will schedule a public hearing for March 13, 2017 at which time a decision will be made on the proposed zoning change. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,



C. Bradley Kaye, AICP  
Assistant City Manager for Development Services

/grm



**MINUTES OF THE MEETING OF THE  
MIDLAND CITY PLANNING COMMISSION  
WHICH TOOK PLACE ON  
TUESDAY, FEBRUARY 14, 2017, 7:00 P.M.,  
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman McLaughlin
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

**3. Roll Call**

**PRESENT:** Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, and Tanzini

**ABSENT:** Pnacek and Stamas

**OTHERS PRESENT:** Brad Kaye, Assistant City Manager for Development Services; Grant Murschel, Community Development Planner; and four (4) others.

**4. Approval of Minutes**

Moved by Hanna and seconded by Mayville to approve of the minutes as amended of the regular meeting of January 10, 2017. Motion passed unanimously.

**5. Public Hearing**

- a. **Zoning Petition No. 609** – initiated by Robert and Dana Murray and Jacob Keister to rezone the property located at 5706, 5712 and 5720 North Saginaw Road from Residential A-1 Single Family Residential zoning to Regional Commercial zoning.

Kaye gave the staff presentation on the item. He provided an overview of the petition and included that the petition covers a subject area that was part of a recent future land use designation change within the City's Master Plan. Previous to the Master Plan update, a zoning petition of the subject area was denied. If the zoning petition is approved, the two single-family residential houses will become nonconforming uses which will place limits on the properties as it relates to replacement and repairs or updates. These limits are established in the City Zoning Ordinance's nonconforming standards. Kaye also reviewed a sampling of the uses that are permitted in the proposed RC Regional Commercial zoning district. Staff is recommending approval of the petition.

Koehlinger wondered about the access management concerns that were discussed along this corridor previously by the Planning Commission. Kaye explained the current policies within the Master Plan and the standards for driveway spacing within the Zoning Ordinance are likely adequate to address this item on these particular sites given their size.

Dana Murray, 5712 N. Saginaw Road, spoke as a petitioner and property owner of a portion of the subject area. She appreciates the Master Plan changes that took place previously, and would recommend that the board supports it.

Heying wondered if Murray was aware of the limitations of making it a non-conforming structure. Murray that she is and further indicated that she sees no reason to put additional money into the structure for use as a single-family residential dwelling.

No one spoke in support or opposition of the proposal. The public hearing was closed.

**Planning Commission Minutes**  
**February 14, 2017**

A motion was made by Hanna to waive the procedural requirements to permit consideration of the proposed application. The motion was seconded by Heying. The motion was approved unanimously.

Heying commented that the Master Plan supports this now, and he sees no reason not to support the petition. Koehlinger indicated that the access management issues have been mitigated but the recent training on access management brought up other concerns. Kaye commented that stronger access management standards could be accomplished through amending the text of the Zoning Ordinance. Conditions cannot be applied to zoning petitions by the City or the Planning Commission. Only the applicant can offer voluntary conditions.

It was moved by Heying and supported by Hanna to recommend approval of Zoning Petition No. 609 initiated by Robert and Dana Murray and Jacob Keisterto rezone the property located at 5706, 5712 and 5720 North Saginaw Road from Residential A-1 Single Family Residential zoning to Regional Commercial zoning.

YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, and Tanzini  
NAYS: None  
ABSENT: Pnacek and Stamas

- b. Conditional Use Permit No. 58** – initiated by Midland County Habitat for Humanity to permit a single family dwelling in a RB Multiple Family Residential zoning district, located at 310 Sam Street.

Murschel gave the staff presentation on the proposal. He gave an overview of the petition as well as discussed questions by members of the Commission. He indicated that the site is a Lot of Record, as defined under the Zoning Ordinance. The site plan meets all district requirements for setbacks. Staff is recommending approval of the petition but has suggested three contingencies.

Jennifer Chappel, Executive Director of Midland County Habitat for Humanity, spoke as the applicant and property owner. She indicated that the site was donated by The Dow Chemical Company and that to her knowledge all remediation activities have taken place and the site has been cleared. The organization intends to build a single-family home through a community build; the future home owners have been identified and have begun their sweat equity hours.

No one spoke in support or opposition of the proposal. The public hearing was closed.

A motion was made by Hanna to waive the procedural requirements to permit consideration of the proposed application. The motion was seconded by Mayville. The motion was approved unanimously.

It was moved by Hanna and supported by Mayville to recommend approval of Conditional Use Permit No. 58 initiated by Midland County Habitat for Humanity to permit a single family dwelling in a RB Multiple Family Residential zoning district, located at 310 Sam Street.

YEAS: Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, and Tanzini  
NAYS: None  
ABSENT: Pnacek and Stamas

**6. Old Business**

None

**7. Public Comments (unrelated to items on the agenda)**

None

**8. New Business**

None

**9. Communications**

The Planning & Zoning news was distributed to the Commission.

**10. Report of the Chairperson**

None

**11. Report of the Planning Director**

Kaye reported on the approval of the Zoning Petition No. 608 by City Council, and the acceptance of the gift offered by Momentum Midland towards a restoration and green space project at the former 4-D/Oldcastle industrial site.

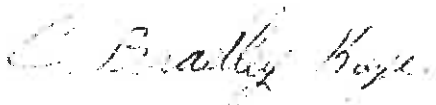
**12. Items for Next Agenda – February 28, 2017**

- a. Zoning Petition No. 610 – initiated by Michigan Baseball Foundation to rezone the property located at 506 and 713 East Buttles Street from RC Regional Commercial zoning to D Downtown zoning.

**13. Adjourn**

It was motioned by Heying and seconded by Mayville to adjourn at 8:13 p.m. Motion passed unanimously.

Respectfully submitted,



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

RECEIVED  
FEB 12 1991  
PLANNING DEPT

**THE FOLLOWING PROCESS IS USED IN CONSIDERING PETITIONS FOR ZONING MAP AMENDMENT (REZONING) IN THE CITY OF MIDLAND.**

1. Upon receipt of a petition for zoning map amendment, a public hearing notice is published in the newspaper at least 15 days prior to the public hearing, and notices are sent to all property owners within 300 feet of the affected property.
2. The City Planning Commission conducts a public hearing at one of its regular scheduled meetings. The date of this hearing is noted in public hearing notices. All written and oral comments may be made to the Commission at this time.
3. The Planning Commission, either at the same meeting at which the public hearing occurs, or at a subsequent meeting, formulates a recommendation which is sent to the City Council. This recommendation could be to deny, approve with modifications, or approve the requested zoning map amendment.
4. The City Council receives the recommendation of the Planning Commission and sets a date for a public hearing. Public comments are not received at this time. The public hearing notice of the City's Council's meeting is only published in the newspaper, and is not sent by letter to surrounding property owners.
5. **THE CITY COUNCIL CONDUCTS A PUBLIC HEARING AND MAKES THE FINAL DECISION WITH RESPECT TO THE ZONING MAP AMENDMENT REQUEST. THE CITY COUNCIL'S FINAL DECISION COULD INCLUDE REJECTION, APPROVAL, OR APPROVAL WITH SOME MODIFICATION. ALL WRITTEN AND ORAL COMMENTS MAY BE MADE TO THE COUNCIL AT THIS TIME.**

A zoning map amendment request denied by the City Council may not be resubmitted as the same request for a period of one year. A request for other kinds of changes may be filed by a petitioner.

*I am in  
wanting this  
for every  
C. J. P.*

*Resubmitted  
with  
B. J. P.*

*Tom H. Cain*

**TOM H. CAIN**  
3019 Jefferson Ave.  
Midland, MI 48640

RECEIVED L-

FEB 02 2017

PLANNING DEPT

**PUBLIC HEARING NOTICE**  
City of Midland  
**PROPOSED ZONING**

Please take notice that the Midland City Planning Commission will conduct a public hearing on:  
Zoning Petition No. 609, initiated by Robert and Dana Murray and Jacob Keister to zone the property located at 5706, 5712 and 5720 North Saginaw Road from Residential A-1 Single Family Residential zoning to Regional Commercial zoning

Said hearing will take place on Tuesday, February 14, 2017, at 7:00 p.m., in Council Chambers, City Hall, Midland, Michigan, as required by Article XXX, Section 30.03(A) of Ordinance No. 1585.

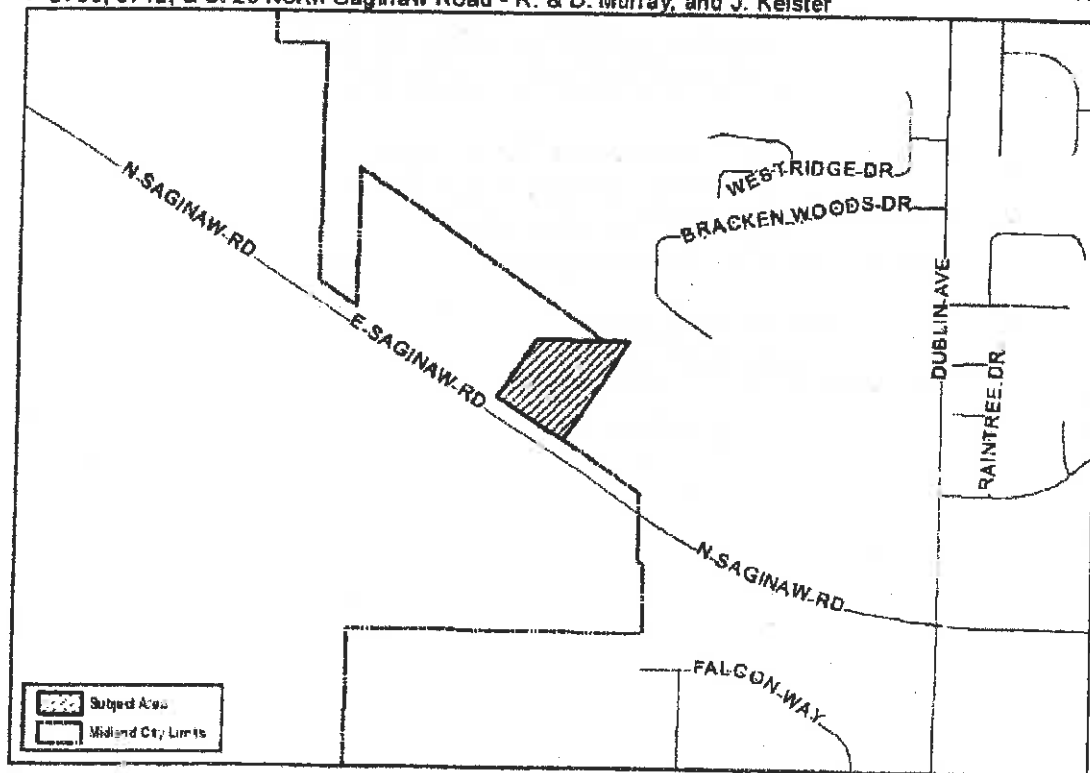
If you have any questions, contact the City Planning Department at 837-3374.  
MIDLAND CITY PLANNING COMMISSION

*C. Bradley Kaye*

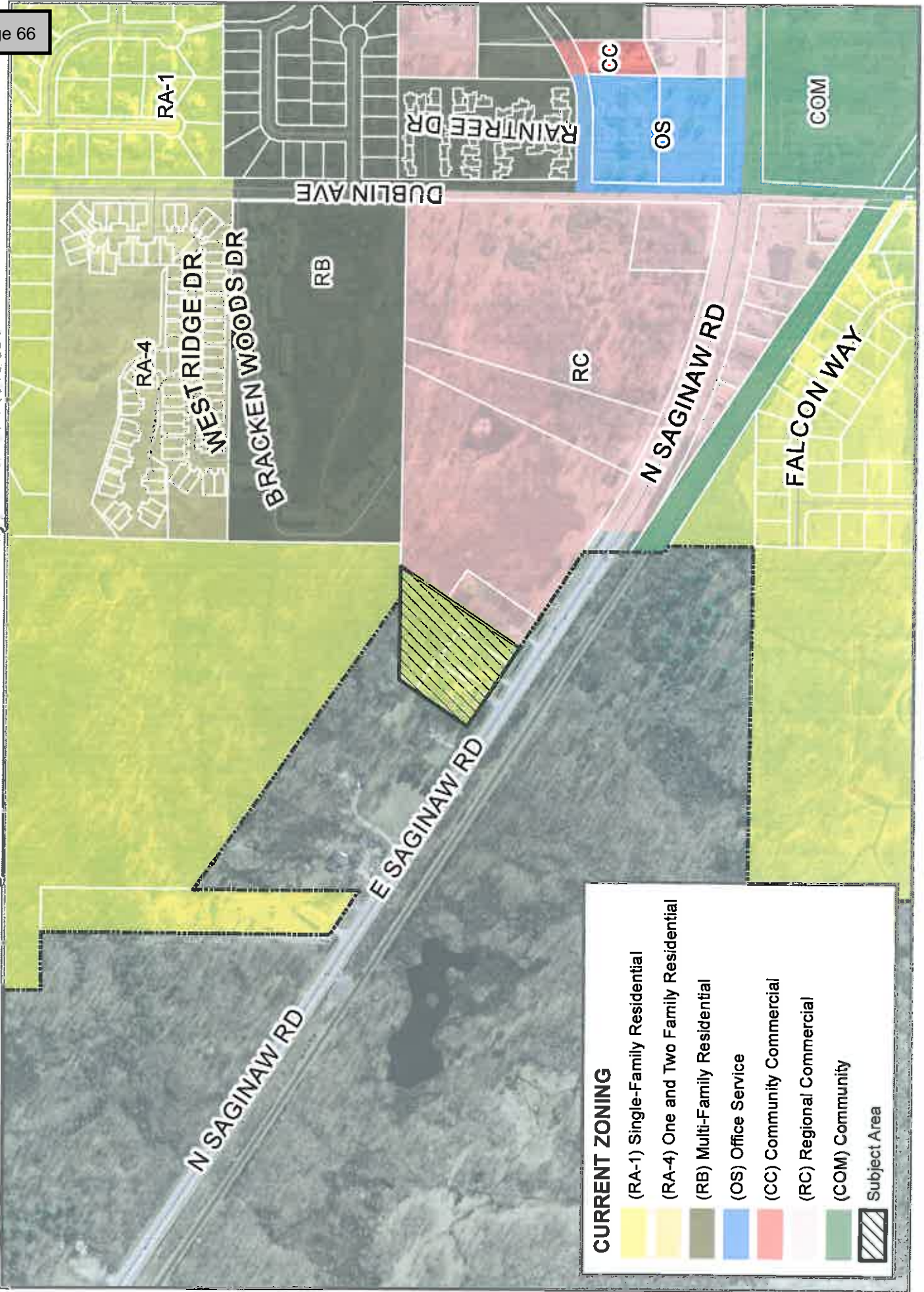
C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

**ZP #609 | RA-1 Residential to RC Regional Commercial**

> 5706, 5712, & 5720 North Saginaw Road - R. & D. Murray, and J. Keister



# **ZP #609 | RA-1 Residential to RC Regional Commercial** > 5706, 5712, & 5720 North Saginaw Road - R. & D. Murray, and J. Keister



**CURRENT ZONING**

- (RA-1) Single-Family Residential
- (RA-4) One and Two Family Residential
- (RB) Multi-Family Residential
- (OS) Office Service
- (CC) Community Commercial
- (RC) Regional Commercial
- (COM) Community
- Subject Area

**Backup material for agenda item:**

5. Directing the City Manager to prepare a report on the 2017 Sidewalk Improvement Program. MCMANUS

**SUMMARY REPORT TO THE CITY MANAGER**  
for Council Meeting of March 13, 2017

**SUBJECT:** 2017 SIDEWALK IMPROVEMENT PROGRAM

**INITIATED BY:** City of Midland Code of Ordinances - Section 22-16

**RESOLUTION SUMMARY:** This resolution directs the City Manager to prepare a report which includes estimates of expenses, the life of the improvement and a description of the district benefited for the 2017 Sidewalk Improvement Program

**ITEMS ATTACHED:**

1. Cover Letter
2. List of sidewalk requests received
3. Resolution
4. Location Maps

**CITY COUNCIL ACTION:** 3/5 vote required to approve resolution

**SUBMITTED BY:** Brian McManus, City Engineer





*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

DATE: March 7, 2017

TO: Jon Lynch, City Manager

FROM: Brian McManus, City Engineer

RE: 2017 Sidewalk Improvement Program

Attached hereto is a list of the sidewalk requests received as of this date. This list includes all requests for new sidewalks received from the public. Each request for sidewalk is listed separately. Maintenance requests were referred to the Department of Public Services.

Sidewalk request locations have been reviewed by City staff. During our initial review of requests we noticed that there are short gaps adjacent to the requested locations that should be filled if requested locations move forward. These gaps are on parcel addresses not specifically petitioned for. Identified locations are along W. Wackerly adjacent to the sidewalk request locations. These adjacent segments of sidewalk total approximately 100 feet, and include segments at 2200 and 2408 W. Wackerly. One of these segments of sidewalk is on a parcel owned by the Michigan Department of Transportation (MDOT).

A resolution has been prepared that will initiate the 2017 Sidewalk Improvement Program which includes the sidewalks requested by residents and the additional segments needed to connect the existing sidewalk network. Any additional sidewalk requests by the Council can be added to the resolution as a result of your discussion at the Council meeting on March 13, 2017.

We have sent letters to the petitioners, inviting them to speak in favor of their requests at the Council meeting. This is the first year that requests for sidewalks at four of the locations have been made. This is the second year that the request for sidewalks on the west side of Waldo Avenue has been made. For sidewalks selected to move forward as part of the 2017 Sidewalk Improvement Program, cost estimates will be developed for the April 10, 2017 Council meeting. This will determine the city and property owner cost shares.

CITY OF MIDLAND  
ENGINEERING DEPARTMENT  
2016/2017 SIDEWALK REQUESTS

Listed below are the locations of requested sidewalks received over the past year.

PRIORITY CODE

- Bayliss St. – Fill gaps on west side located between Haley and Arbury Place  
Requested by: Margo Dowling  
Jefferson Ave. 4.2
- Shirewood Ln. – South side at the following address: 510  
Requested by: Linda Stachowiak  
Whiffletree Ln 3.1
- E. Wackerly St. – North side at the following address: 405  
Requested by: Gordon Tarn  
East Oakbrook Court 4.2
- W. Wackerly – North side at the following addresses: 2300, 2520 and 2720  
Requested by: Gordon Tarn  
East Oakbrook Court 4.1
- Waldo Avenue – West side from James Savage to Yale Avenue  
Requested by: Russ Kiekhaefer  
Address not available 4.3



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

#### BY COUNCILMAN

WHEREAS, the City Council has had under consideration the construction of concrete sidewalks, to be financed in part by special assessment, located in certain streets in the City of Midland, said streets being:

Bayliss Street (west side)	from Haley Street to Arbury Place
Shirewood Lane (south side)	at 510 Shirewood Lane
E. Wackerly Street (north side)	at 405 E. Wackerly Street
W. Wackerly Street (north side)	at 2300, 2520 and 2720 W. Wackerly Street
Waldo Avenue (west side)	from James Savage Road to Yale Avenue
W. Wackerly Street (north side)	at 2200 and 2408 W. Wackerly Street

; now therefore

RESOLVED, that the City Manager is directed to prepare a report which shall include estimates of the expense thereof, an estimate of the life of the improvement, and a description of the district benefited to enable the Council to decide the cost, extent and necessity of the improvement proposed and what part or portion thereof should be paid by special assessments upon property especially benefited, and what part, if any, should be paid by the City at large, in conformance with the provisions of Chapter 20 of the Code of Ordinances of the City of Midland, Michigan.

YEAS:

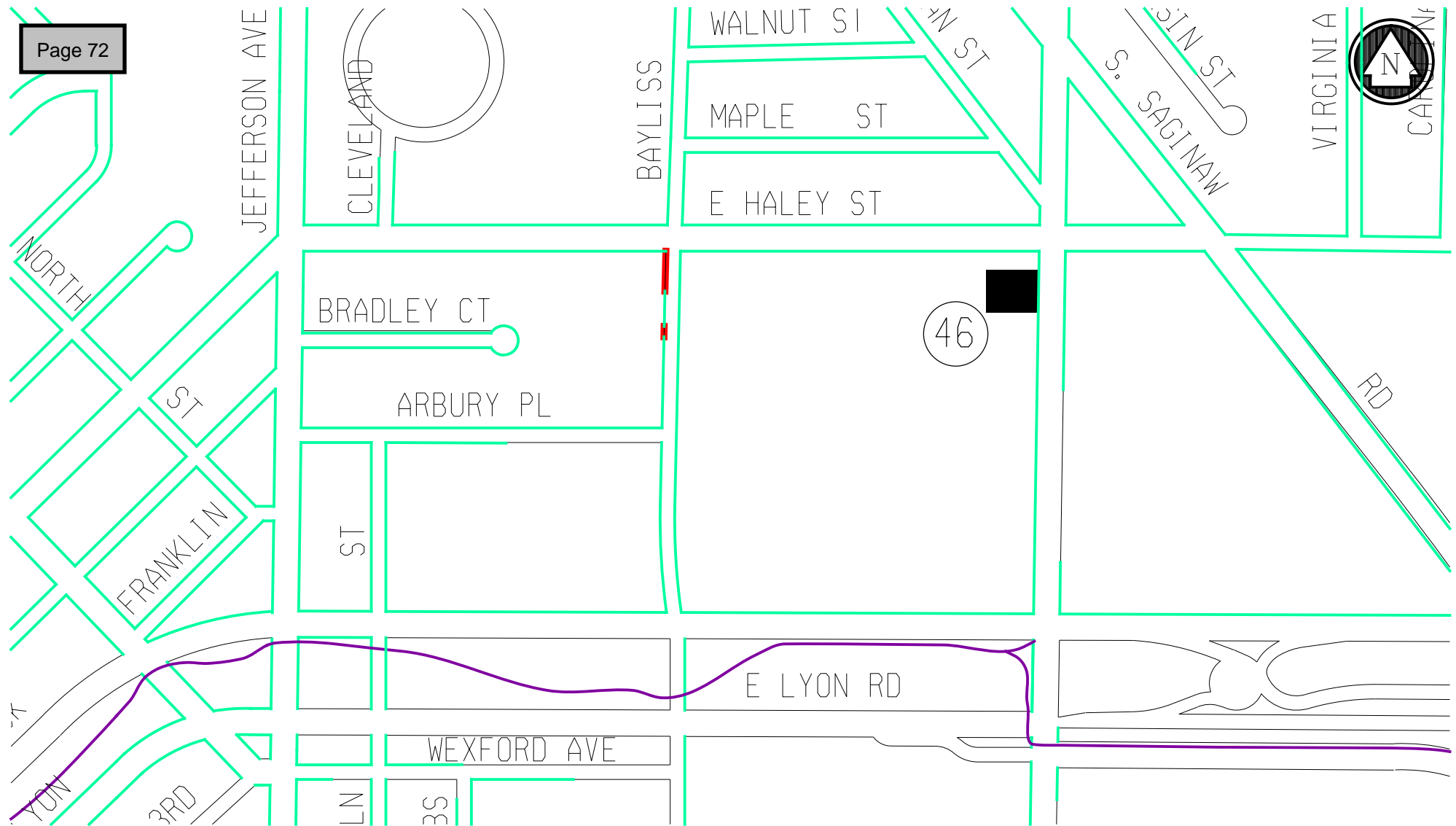
NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeave vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

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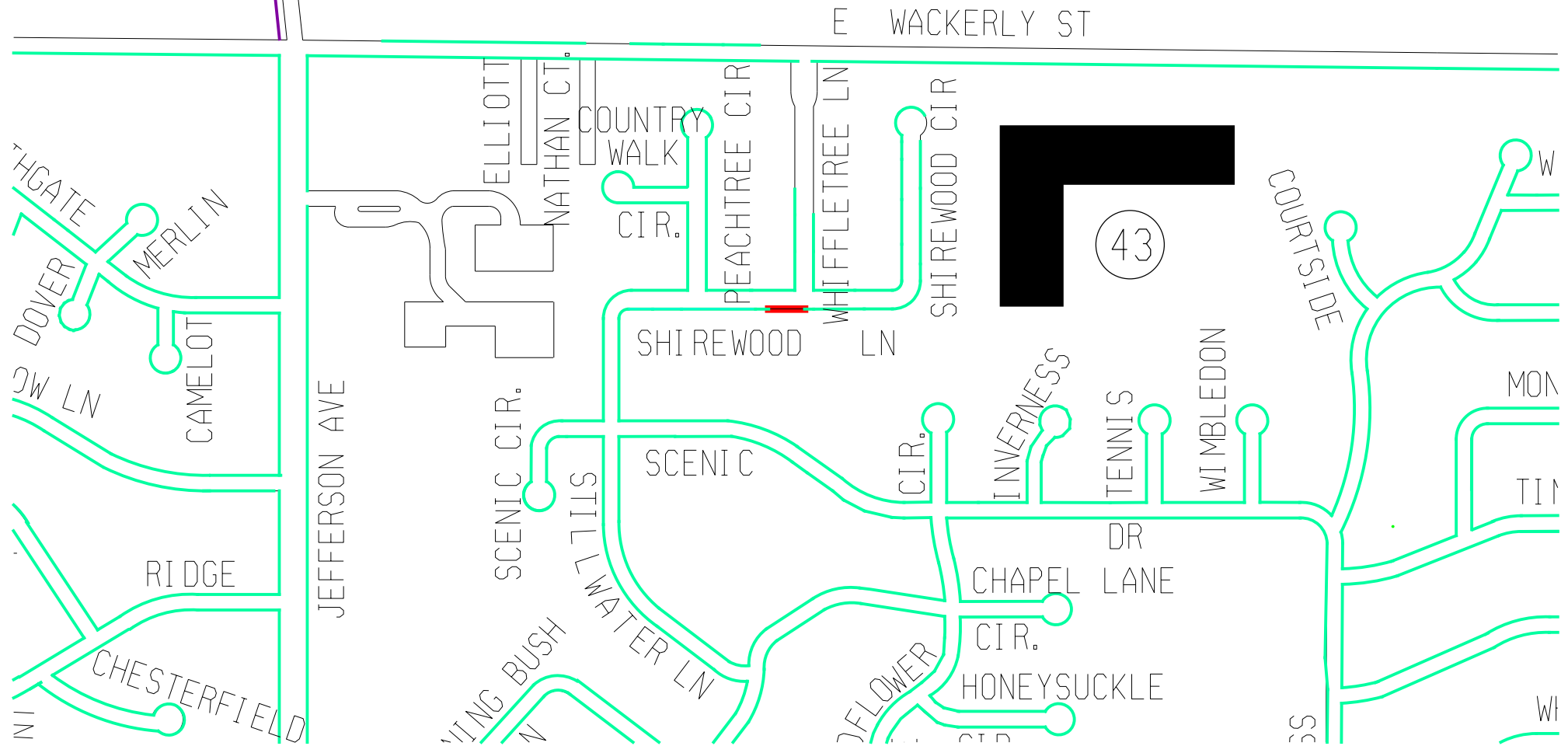
Selina Tisdale, City Clerk



# BAYLISS (WEST SIDE)

## ARBURY TO HALEY

— EXISTING SIDEWALK  
— PROPOSED SIDEWALK



# SHIREWOOD (SOUTH SIDE)

## PEACHTREE TO SHIREWOOD CIRCLE





33

SOCCER DRIVE

E WACKERLY ST

43

WOODVIEW

FOXWOOD

MONTAGUE

TIMBER DR

EVART

COURTSIDE

WIMBLEDON

TENNIS

INVERNESS

CIR.

SCENIC

IIS

NIC CIR.

SHIREWOOD LN

SHIREWOOD

SHIREWOOD CIR

WHIFFLETREE LN

PEACHTREE CIR

COUNTRY WALK CIR.

NATHAN CT.

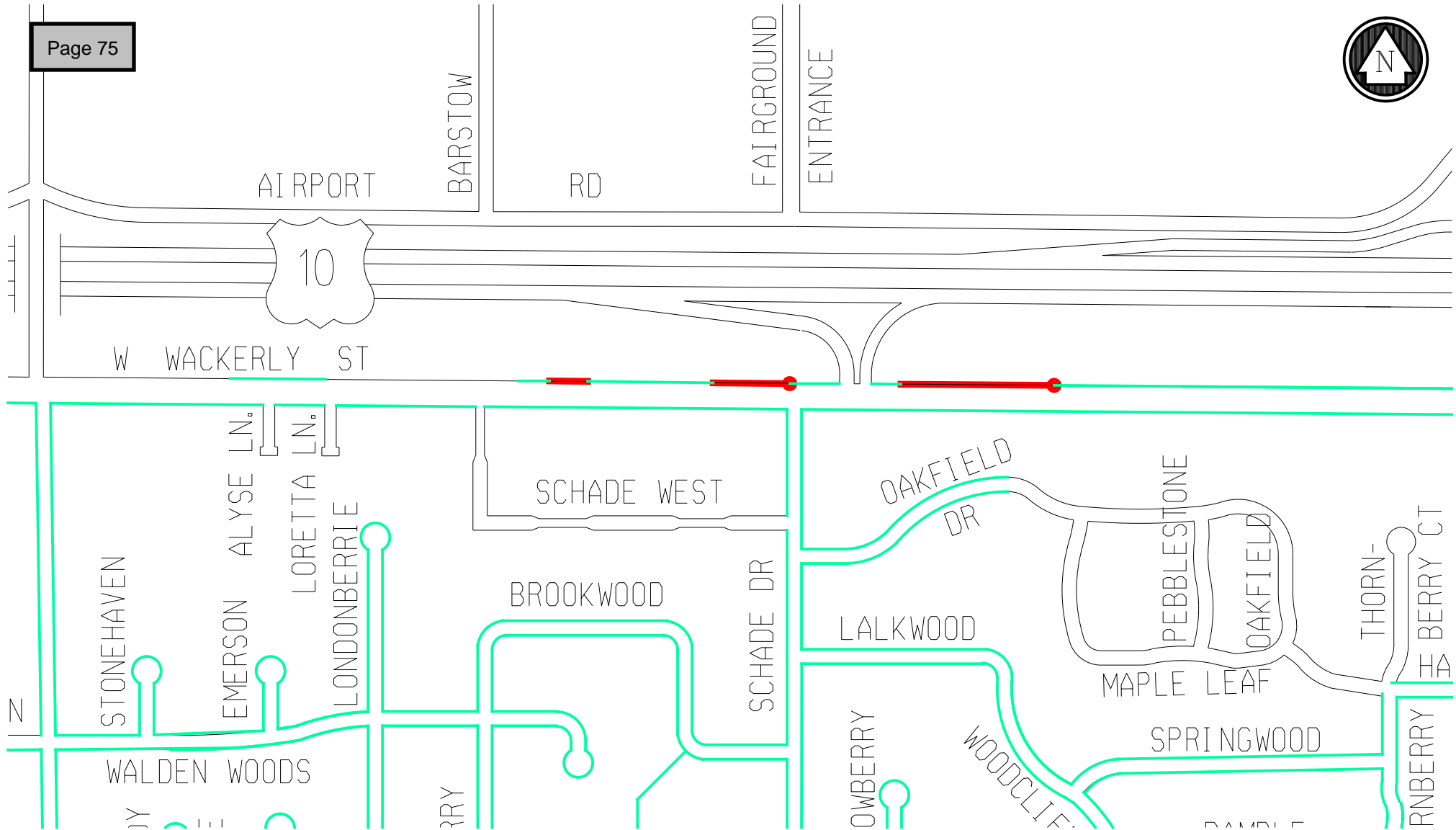
ELLIOTT

JEFFERSON AVE

# E. WACKERLY (NORTH SIDE)

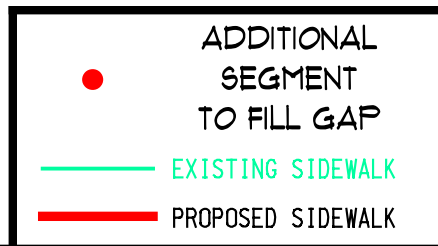
## JEFFERSON TO SWEDE

- EXISTING SIDEWALK
- PROPOSED SIDEWALK

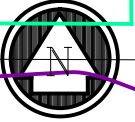


# W. WACKERLY (NORTH SIDE)

## STURGEON TO EASTMAN



20



PATRICK

HENRY ST

YALE

CYPRESS ST

COTTONWOOD ST

HEMLOCK ST

JUPITER CT.

APOLLO

NUCLEAR  
GALAXY

MERCURY

FREEDOM

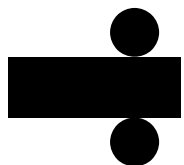
SATURN

SATELLITE

GEMINI

DOW

GERALD CT



54

BAY CITY

RD

WALDO AVENUE (WEST SIDE)

JAMES SAVAGE TO YALE

EXISTING SIDEWALK  
PROPOSED SIDEWALK



**Backup material for agenda item:**

6.       \* Receiving and filing the City Attorney's Report on the Annual Review of Liquor Licenses in the City of Midland. BRANSON

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of March 13, 2017

**SUBJECT:** City Attorney's annual review of alcoholic beverage licenses for consumption on the premises

**RESOLUTION SUMMARY:** This resolution receives and files the City Attorney's Report on the status of liquor licenses in the City of Midland.

**ITEMS ATTACHED:**

1. Letter of transmittal.
2. City Attorney's Report.
3. Police Department's Report.
4. Resolution.

**COUNCIL ACTION:**

1. 3/5 vote required to approve resolution.

James O. Branson III  
City Attorney



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

March 9, 2017

Jon Lynch  
City Manager  
City of Midland  
Midland, Michigan 48640

Dear Mr. Lynch:

Attached please find a report prepared by the City Attorney's office in compliance with the annual liquor license review specified in Section 15-250 of the City of Midland Code of Ordinances.

Included in the report is:

- a list of actions taken by the City Council involving liquor licenses over the past year;
- a listing of criteria used in evaluating each license with corresponding information on any violations by license holders over the past year;
- a list of all liquor licenses issued in the City of Midland and the status of each license; and
- a report by the Police Department.

Section 15-253(7) of the Code of Ordinances states during the annual review, the City Manager shall notify each escrowed license holder that the escrowed license must be activated prior to the end of the third consecutive year the license is in escrow, and that if a license remains in escrow after two (2) consecutive years, the City Manager shall initiate the revocation process in Section 15-254 six (6) months prior to the third consecutive anniversary of the date the license was placed in escrow by the Liquor Control Commission. This year's report indicates that the following licenses remains in escrow:

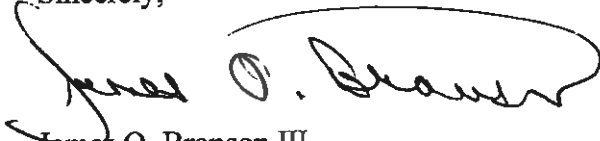
<b>Business</b>	<b>Address</b>	<b>Escrow Date</b>
Jeffwack Corners, LLC (operating as Landing Party Store)	203 E. Wackerly Street	April 8, 2016
Valhalla, Inc. (operating as Bushey's Bar)	3001 S. Saginaw Road	September 15, 2016
El Patron Midland, LLC	1900 S. Saginaw Road	October 26, 2016
Star Estate, LLC (operating as Midland Hotel)	2100 W. Wackerly Street	December 6, 2016
Stasik's Market, Inc.	3302 Bay City Road	January 12, 2017

It should be pointed out that the Liquor Control Act now allows a license to be in escrow for up to five (5) consecutive years before action is taken to revoke the license. This provision supersedes the three (3) year limit in the City's ordinance.

Attached for your consideration is a resolution that will receive and file the attached report; no action by City Council is required.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "James O. Branson III", written over a horizontal line.

James O. Branson III  
City Attorney

JOB/ak

Enclosures

**City of Midland Liquor License Ordinance  
on Alcoholic Beverage Licenses  
for Consumption on the Premises**

City Attorney's Annual Review  
March 9, 2017

Division 3 of the City of Midland Liquor License Ordinance on Alcoholic Beverage Licenses for Consumption on the Premises is entitled Renewal and Revocation of Licenses.

**Section 15-250** requires the City Manager to cause an annual review of each licensee.

**Section 15-252** requires the City Manager, at least sixty (60) days before a license is due for renewal or at any time in the case of a possible recommendation for revocation, to inform the licensee of the City Manager's intent to recommend to the City Council that the City should or should not file an objection with the Liquor Control Commission concerning renewal or a recommendation of revocation.

**Section 15-253** sets forth the basis upon which a recommendation is made by the City Manager and the City Council to the Liquor Control Commission. This report is intended to meet the requirements set forth in Section 15-250 as well as provide an annual report of various transactions relating to liquor licenses in the City of Midland.

During 2016 the City Council considered the following items pertaining to liquor licenses in the City of Midland.

**December 5, 2016**

Recommended approval of the request from Chow Chow Holdings, Inc. for an on-premises Class C liquor license issued pursuant to Section 521a(1)(b) of PA 501 of 2006 to be located at 416 E. Ellsworth Street and further certifies that the Downtown Development Authority (DDA) is a redevelopment project area and that said address is located within the DDA and the redevelopment project area.

All liquor licenses within the City of Midland were evaluated in accordance with Section 15-253 of the Ordinance that reads as follows:

*In connection with any recommendation made by the City Manager to the City Council pursuant to Section 15-250 concerning non-renewal or revocation of a liquor license and any subsequent decision by the City Council to recommend non-renewal or revocation of a liquor license to the Commission, both the City Manager and the City Council shall make said recommendations on the basis of whether any one or more of the following exists or has occurred:*

- 1. Maintenance of a nuisance upon the premises;*
- 2. Failure to comply with the requirements of the Michigan Liquor Control Act or the administrative rules of the Commission;*
- 3. Failure to comply with any federal law, state statute or city ordinance in the conduct of its business;*
- 4. Failure to comply with any of the other requirements of this ordinance;*

5. *Failure to comply with any promises or statements made by the applicant for a license to the City Council at the time the liquor license was approved by the City Council or the failure to comply with any conditions imposed upon the applicant in connection with the approval of said license by the City Council; or*
6. *A knowingly false statement made in the application for a liquor license by the applicant or the applicant's agent or assign in the application, non-renewal or revocation procedure.*
7. *Non-use of the liquor license for a consecutive period of time of three (3) or more years from the time the liquor license is first placed into escrow with the Liquor Control Commission. (The term "non-use" shall be interpreted to mean the absence of actual use or utilization of a specific Class "C" liquor license or a specific liquor license other than a Class "C" liquor license which also permits consumption of alcoholic beverages on the premises in connection with the actual operation of a primary business activity as the latter term is described in Section 15-220.) During the annual review, the City Manager shall notify each escrowed license holder that the escrowed license must be activated prior to the end of the third consecutive year the license is in escrow. If a license remains in escrow after two consecutive years, the City Manager shall initiate the revocation process in Section 15-254 six (6) months prior to the third consecutive anniversary of the date the license was placed in escrow by the Liquor Control Commission.*
8. *Failure to have implemented procedures to prevent alcohol abuse on its premises or related to its premises by instituting a program such as Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.), Techniques of Alcohol Management (T.A.M.) or the Management/Server Awareness Program.*
9. *Non-payment of any taxes due the municipality on properties holding a liquor license.*

Following is a report on each of the preceding criteria used in the evaluation of compliance for the purposes of non-renewal or revocation:

**1. Maintenance of a nuisance upon the premises.**

See Midland Police Department report.

**2. Failure to comply with the requirements of the Michigan Liquor Control Act or the administrative rules of the Commission.**

See Midland Police Department report.

**3. Failure to comply with any federal law, state statute or city ordinance in the conduct of its business.**

See Midland Police Department report.

**4. Failure to comply with any of the other requirements of this ordinance.**

See Midland Police Department report.

**5. Failure to comply with any promises or statements made by the applicant for a license to the City Council at the time the liquor license was approved by the City Council or the**

failure to comply with any conditions imposed upon the applicant in connection with the approval of said license by the City Council.

See Midland Police Department report.

6. **A knowingly false statement made in the application for a liquor license by the applicant or the applicant's agent or assign in the application, non-renewal or revocation procedure.**

See Midland Police Department report.

7. **Non-use of the liquor license for a consecutive period of time of three (3) or more years from the time the liquor license is first placed into escrow with the Liquor Control Commission. (The term "non-use" shall be interpreted to mean the absence of actual use or utilization of a specific Class "C" liquor license or a specific liquor license other than a Class "C" liquor license which also permits consumption of alcoholic beverages on the premises in connection with the actual operation of a primary business activity as the latter term is described in Section 15-220.) During the annual review, the City Manager shall notify each escrowed license holder that the escrowed license must be activated prior to the end of the third consecutive year the license is in escrow. If a license remains in escrow after two consecutive years, the City Manager shall initiate the revocation process in Section 15-254 six (6) months prior to the third consecutive anniversary of the date the license was placed in escrow by the Liquor Control Commission.**

There were no licenses that failed to comply with this section of the ordinance.

Currently, there are five (5) licenses in escrow: Jeffwack Corners, LLC (operating as The Landing Party Store) was placed in escrow in April; Valhalla, Inc. (operating as Bushey's Bar) was placed in escrow in September; El Patron Midland, LLC was placed in escrow in October, Star Estate, LLC (operating as Midland Hotel) was placed in escrow in December 2016; and Stasik's Market, Inc. was placed in escrow in January 2017.

8. **Failure to have implemented procedures to prevent alcohol abuse on its premises or related to its premises by instituting a program such as Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.), Techniques of Alcohol Management (T.A.M.) or the Management/Server Awareness Program.**

There were no licenses that failed to comply with this section of the ordinance.

9. **Non-payment of any taxes due the municipality on properties holding a liquor license.**

There were no licensees who failed to pay personal property taxes for the 2016 tax year.

**City Attorney's Recommendation:**

That no action be taken against any license holders at this time.

# **MIDLAND POLICE DEPARTMENT LIQUOR CONTROL REPORT**



# **2016**



Police Department • 2727 Rodd Street • Midland, Michigan 48640-4474 • 989.631.5716 • 989.839.4734 fax • [citypolice@midland-mi.org](mailto:citypolice@midland-mi.org)

DATE: 02-20-2017

TO: James Branson, CITY ATTORNEY

FROM: Detective Lieutenant Marc Goulette

TOPIC: ANNUAL LIQUOR LICENSE REPORT

The following is a report of the licensed liquor establishments within the City of Midland for the calendar year 2016.

The majority of the licensed establishments serving and selling alcoholic beverages within the City of Midland remained in compliance with the Michigan Liquor Control Commission regulations as well state and local statutes and rules.

Throughout the year the Patrol Division continued the practice of random, unannounced inspections of establishments. Included with these inspections are operations conducted by the LCC, which also conducts compliance checks with local businesses where alcohol is sold. The Midland Police Department is notified of any violations the LCC discovers. For the year 2016 one LCC violation was cited by the Midland Police Department. In addition, seven violations were reported by the LCC to the Midland Police Department. These violations have been documented at the end of this report.

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**LICENSE QUOTAS FOR THE CITY OF MIDLAND**

<u>LICENSE TYPE</u>	<u>AUTHORIZED</u>	<u>ISSUED</u>	<u>AVAILABLE</u>
ON PREMISES	28	28	0
SDD	14	14	0

**License Quotas Are Established In The Following Manner:**

In cities, incorporated villages, or townships, only 1 specially designated distributor (SDD) license shall be issued by the commission for every 3,000 of population, or fraction thereof. The quota requirement may be waived at the discretion of the commission if there is no specially designated distributor licensee within 2 miles, measured along the nearest traffic route, of the applicant.

MCL 436.1533 states that a public license shall not be granted for the sale of alcoholic liquor for consumption on the premises in excess of 1 license for each 1,500 of population or major fraction thereof. In-depth information regarding quotas is found in MCL 436.1531 of the Liquor Control Code.

The above quotas were based on a Midland city population of 42,200. This population count is derived from the Federal Census.

### LIST OF ON-PREMISES LICENSED BUSINESSES (CLASS C / B HOTEL / RESORT)

ON-SITE		ADDRESS	LIC TYPE
1.	702 CLUB	702 JEFFERSON	SDM/CLASS C
2.	APPLEBEE'S	6911 EASTMAN	CLASS C
3.	BENNIGANS	6603 EASTMAN	CLASS C
4.	BOULEVARD	316 S. SAGINAW	CLASS C
5.	BUFFALO WILD WINGS	6728 EASTMAN	CLASS C
6.	CHINA PALACE	1908 S. Saginaw	CLASS C
7.	CURRIE MUNICIPAL GOLF	1300 CURRIE PKWY	CC RES SDM
8.	D'ALESSANDRO'S	801 E. WACKERLY	SDM/CLASS C
9.	DECKERS	402 E. ELLSWORTH	SDM/CLASS C
10.	DIAMOND JIM'S	101 E. MAIN	CLASS C
11.	DOW DIAMOND	825 E. MAIN	CC RES
12.	ENTRE' AMIGOS	2600 N. SAGINAW	CLASS C
13.	FRICKS	4408 N. SAGINAW	SDM/CLASS C
14.	Fuji Sushi, Inc.	1512 Joe Mann Blvd	Class C
15.	GENJI	2929 S. SAGINAW	SDM/CLASS C
16.	GHENGHIS KHAN	5010 BAY CITY RD	CLASS C
17.	H HOTEL (THE)	111 W. MAIN	BH RES
18.	HOLIDAY INN	810 CINEMA	BH RES/SDM
19.	LOGAN'S	7135 EASTMAN	CC RES
20.	MCMANARA'S	1815 S. SAGINAW	CLASS C
21.	MIDLAND CENTER FOR THE ARTS	1801 W ST ANDREWS	CLASS C
22.	MARU SUSHI MIDLAND	715 E MAIN ST	CLASS C
23.	Noodles & Company	7007 Eastman Ave	Class C
24.	NORTHWOOD UNIVERSITY	4000 WHITTING DR	B HOTEL
25.	OLIVE GARDEN	6803 EASTMAN	CLASS C
26.	OSCARS	140 E. MAIN	SDM/CLASS C
27.	PI'S	1819 S. SAGINAW	SDM/CLASS C
28.	PIZZA HUT	1516 N. SAGINAW	CLASS C
29.	PIZZA SAM	102 W. MAIN	CLASS C
30.	RESIDENCE INN BY MARIOT	850 JOE MANN BLVD	B HOTEL
31.	ROLL ARENA	2909 BAY CITY	SDM/CLASS C
32.	RUBY TUESDAY	6800 EASTMAN	CLASS C
33.	SABOURIN'S PHARMACY	314 W WACKERLY SUITE L	SDM
34.	SHIRLENES	1720 WACKERLY	CLASS C
35.	SPRINGHILL SUITES	520 JOE MANN	BH/SDM
36.	STATE STREET (EAST END)	715 E MAIN SUITE 106	CLASS C RESORT
37.	VALLEY LANES	5021 BAY CITY	SDM/CLASS C
38.	VALLEY PLAZA RESORT	5121 BAY CITY	SDM/CLASS C
39.	WHICHRAFT TAP ROOM	124 ASHMAN	CLASS C
40.	WHINE BAR	337 E. WACKERLY	CLASS C

**LIST OF ON-PREMISES LICENSED BUSINESSES (CLUB)**

CLUB LICENSES		ADDRESS	LIC TYPE
1	BERRYHILL	5111 HEDGEWOOD	CLUB
2	MOOSE CLUB	2100 BAY CITY	CLUB
3	MIDLAND COUNTRY CLUB	1120 W. ST. ANDREWS	CLUB
4	VFW	3013 BAY CITY	CLUB

**LIST OF OFF PREMISES LICENSED BUSINESSES (SDM/SDD)**

<b>PACKAGE SDM AND SDD</b>		<b>ADDRESS</b>	<b>LIC TYPE</b>
1.	7-Eleven	3217 Bay City	SDM/SDD
2.	7-Eleven	4004 Jefferson	SDM
3.	ALDI INC. #57	1200 Joe Mann	SDM
4.	Bay City Road Party Store	1707 Bay City	SDM/SDD
5.	Cork 'N' Ale	1607 E Patrick	SDM/SDD
6.	CVS/Pharmacy #10442	1015 S. Saginaw	SDM
7.	Dollar General	3939 Isabella	SDM
8.	Eastman Party Store	5207 Eastman	SDM/SDD
9.	Express Mart	1601 E Wheeler	SDM
10.	Express Mart	2713 Waldo	SDM
11.	Family Fare	2026 N. Saginaw	SDM
12.	Horsley's Village Green	715 S. Saginaw	SDM
13.	Jack's Fruit Market	2000 S. Saginaw	SDM
14.	K-Mart	1820 S. Saginaw	SDM
15.	Kroger	2808 Ashman	SDM
16.	LaLondes	4007 Jefferson	SDM/SDD
17.	Meijer	7300 Eastman	SDM/SDD
18.	Midland Wine and Sprits	517 S. Saginaw	SDM/SDD
19.	Natures Gift Organic Market	4306 N. Saginaw	SDM
20.	Next Door Food Store	3520 Isabella	SDM
21.	Northern Market	6700 N. Saginaw	SDM/SDD
22.	Rite Aid	2006 N. Saginaw	SDM/SDD
23.	Rite Aid	2910 Ashman	SDM/SDD
24.	Royal Party Store	1708 E. Ashman	SDD
25.	Saginaw Rd Party Store	4900 N. Saginaw	SDM/SDD
26.	Save-A-Lot	1826 S Saginaw	SDM
27.	Sid's	810 Ashman	SDM/SDD
28.	Speedway	604 S. Saginaw	SDM
29.	Target	6820 Eastman	SDM
30.	Village Mini Mart	3001 Bay City Rd	SMD
31.	Walgreen's	1615 N. Saginaw	SDM
32.	Walgreen's	931 S. Saginaw	SDM
33.	Wal-Mart	910 Joe Mann	SDM/SDD

**LIST OF LICENSES IN ESCROW, NEWLY APPLIED FOR AND IN TRANSFER**

	<b>BUSINESS</b>	<b>ADDRESS</b>	<b>In Escrow</b>	<b>Transfer Pending</b>	<b>Application Pending</b>	<b>Notes</b>
<b>1</b>	El Patron Midland, LLC	1900 S Saginaw Rd	Y			10-26-16
<b>2</b>	Jeffwack Corners, LLC (The Landing Party Store)	203 E Wackerly Rd	Y			04-08-16
<b>3</b>	Star Estate, LLC	2100 W Wackerly Rd	Y			12-06-16
<b>4</b>	Stasik's	3302 Bay City Rd	Y			01-12-17
<b>5</b>	Valhalla, Inc. (Bushey's Bar)	3001 S. Saginaw Rd	Y			09-15-16

\*NOTE: This escrow report's information is valid until 02/16/2017

## 2016 LCC VIOLATIONS

The following businesses/infractions were cited during 2016:

1. On January 14, 2016, Decker's Lounge, 402 E Ellsworth St, was cited, by the LCC, for *failure to provide proof of financial responsibility as required by MCL 436.1803(1)*.
2. On June 15, 2016, Decker's Lounge, 402 E Ellsworth St, was cited, by the LCC, for *Sale to Minor 436.1801(2)*.
3. On June 24, 2016, Midland Brewing Company, 5011 N. Saginaw Rd, was cited, by the LCC, for the following violations:
  1. *Failed to return licenses and permits to the Commission after closing active operation, contrary to Rules 436.1047 and/or 436.1107(1)*.
  2. *A small wine maker, failed to file a report by the fifteenth of August, 2015, to the Commission for the preceding month on a form approved by the Commission, contrary to Rule 436.1725(2)*.
  3. *A small wine maker, failed to file a report by the fifteenth of September, 2015, to the Commission for the preceding month on a form approved by the Commission, contrary to Rule 436.1725(2)*.

NOTE: The sale of alcoholic beverages by the Midland Brewing Company is limited to only beverages that they manufacture, create or brew, therefore; they are licensed/classified by the LCC as a Manufacturer/Wholesaler. This license classification is different than the typical retail store or liquor establishment and Midland Brewing Company is not listed in the preceding tables.

4. On September 17, 2016, Central Midland Corp, DBA: Valley Lanes, 5021 Bay City Rd, was cited, by the LCC, for *Sale to Minor 436.1801(2)*.
5. On September 17, 2016, Wheel House Captain Dave's Entertainment Center, 2909 Bay City Rd, was cited, by the LCC, for *Sale to Minor 436.1801(2)*.
6. On June 15, 2016, 7-Eleven, Inc., 4004 Jefferson Ave, was cited, by the LCC, for *Sale to Minor 436.1801(2)*.
7. On August 12, 2016, McNamara's Pub, 1815 S. Saginaw Rd, was cited, by the LCC, for *failure to properly transfer the liquor license and notify the LCC of the transfer, MCL 436.1529(1)*.
8. On December 13, 2016, Royal Party Store, 1708 E. Ashman St, was cited, by the MPD, for *Sale to Minor 436.1801(2)*.





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BY COUNCILMAN

WHEREAS, Section 15-250 of the City of Midland Code of Ordinances directs the City Manager to cause an annual review of each liquor licensee to be submitted to the City Council; and

WHEREAS, said annual review has been prepared and reports that all licensees have complied with the provisions of Article VII of Chapter 15 of the Code of Ordinances; now therefore

RESOLVED, that in accord with Section 15-250 of the City of Midland Code of Ordinances, the annual review of liquor licenses is hereby received and ordered placed on file in the Office of the City Clerk.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

---

Selina Tisdale, City Clerk

**Backup material for agenda item:**

7.       \* Approving the 2017 Dial-A-Ride Title VI Plan as required by the Federal Transit Administration Circular 4702.1B. MURPHY

**SUMMARY REPORT TO MANAGER**

**For City Council Meeting of March 13, 2017**

**SUBJECT:** Approval of the 2017 Dial-A-Ride Title VI Plan

**INITIATED BY:** Department of Public Services

**RESOLUTION SUMMARY:** This resolution approves the 2017 Dial-A-Ride Title VI Plan as required by the Federal Transit Administration Circular 4702.1B.

**ITEMS ATTACHED:**

1. Transmittal letter to City Manager
2. 2017 Dial-A-Ride Title VI Plan
3. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

---

Karen Murphy  
Director of Public Services

March 3, 2017

Jon Lynch  
City Manager  
Midland, Michigan

RE: Approval of the 2017 Dial-A-Ride Title VI Plan

The Dial-A-Ride (DART) division of the Department of Public Services receives federal financial assistance directly from the Federal Transit Administration (FTA) as a small urban transit under the federal Section 5307 grant program. In order to receive this funding, DART must comply with FTA guidelines, including submittal of a Title VI program every three years. As part of the requirements for Title VI submittal, the program must be reviewed and approved by the governing body of the transit agency, which would be Midland's City Council.

DART staff have compiled the attached Title VI plan in compliance with FTA Circular 4702.1B. The plan has been reviewed by transit advisors for the FTA, who have verified that the plan meets all requirements of the FTA's Title VI regulations. The final piece of compliance involves the attached resolution that gives City Council approval to DART's 2017 Title VI Plan as required by the FTA.

Respectfully submitted,

---

Karen Murphy, Director of Public Services



**TITLE VI**  
**NON-DISCRIMINATION PLAN**  
**City of Midland Dial-A-Ride**

**333 W. Ellsworth**  
**Midland, Michigan 48640**  
**Phone: (989) 837-6940**  
**Fax: (989) 835-5651**  
**Website: [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)**

**Title VI Coordinator:**  
**Assistant Director of Public Services**  
**Phone: (989) 837-6908**  
**Fax: (989) 835-5651**  
**E-mail: [jyuergen@midland-mi.org](mailto:jyuergen@midland-mi.org)**

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## Introduction

The City of Midland Dial-A-Ride provides demand response, curb-to-curb, public transportation within the City limits of Midland.

The goal of Dial-A-Ride is to provide safe, effective, well-maintained, efficient, and economical transportation system. Dial-A-Ride serves all people within the City of Midland, including minority populations, low-income populations, the elderly, persons with disabilities, and those who need public transportation in the area. Dial-A-Ride recognizes its responsibility to provide fairness and equity for all passengers, and that it must abide by and enforce federal and state civil rights legislation related to transportation.

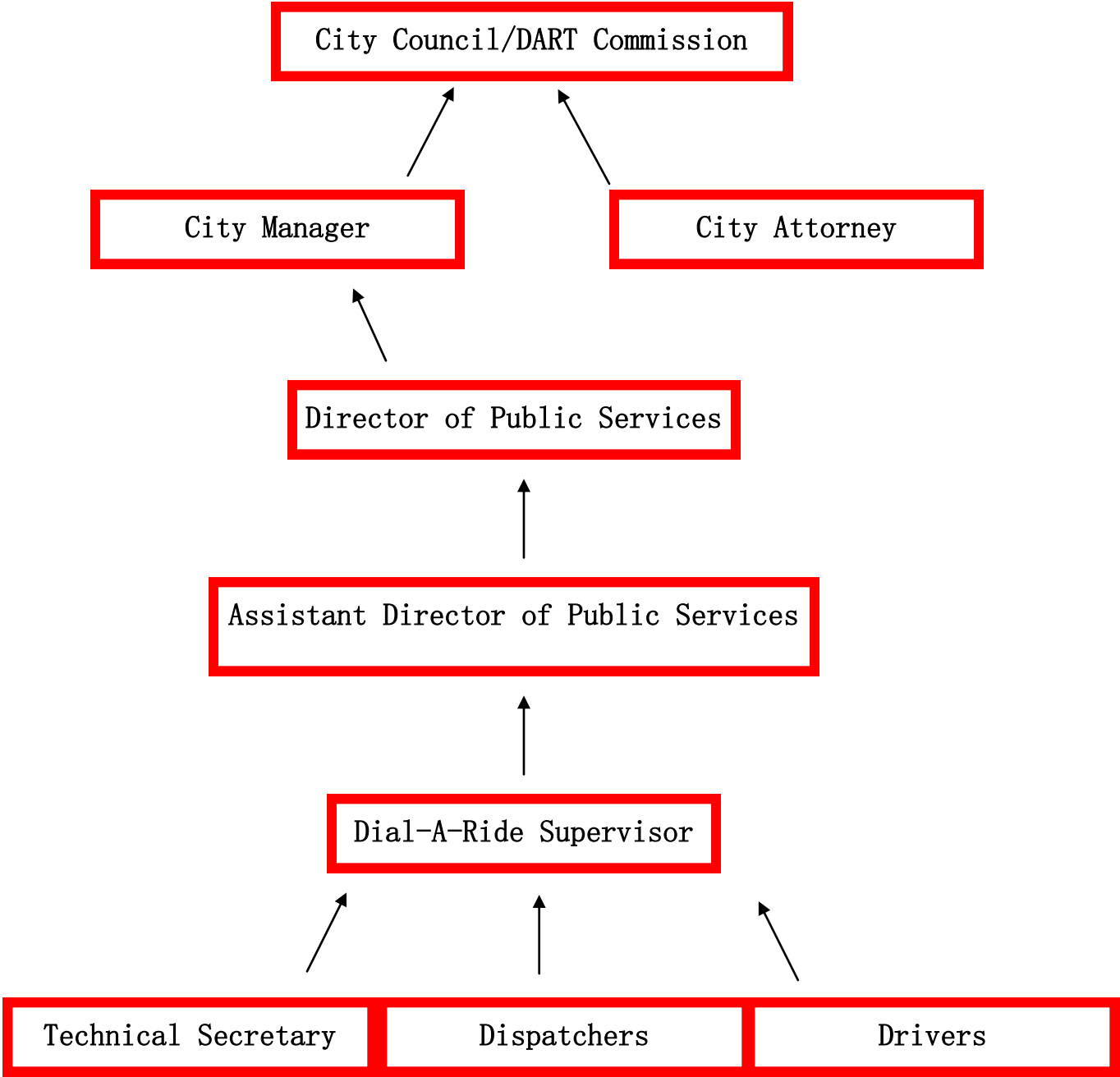
Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Title VI has been broadened by related statutes, regulations, and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory regulations, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed by President Clinton in 1994, requires federal agencies to achieve Environmental Justice as part of their missions by identifying disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low-income populations.

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that in addition to not be subjected to discrimination on the basis of race, color, or national origin, no person shall be denied access based on limited ability to speak, write, or understand the English language under any program or activity that receives federal financial assistance. In accordance with this Executive Order, City of Midland Dial-A-Ride has undertaken a Limited English Proficiency review, which is included later in this document.

As a direct recipient of federal funds through the Federal Transit Administration, City of Midland Dial-A-Ride is required to meet the provisions of the laws, statutes, and Executive Orders described above.

**City of Midland  
Dial-A-Ride  
Organizational Chart**





## **City of Midland Dial-A-Ride Goals and Objectives of Title VI Program**

Dial-A-Ride has developed this Title VI Plan to assure that programs and activities of Dial-A-Ride are conducted and administered fairly, without regard to race, color, national origin, or limited English proficiency. The primary goals and objectives of Dial-A-Ride's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by Dial-A-Ride transportation receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, or limited English proficiency;
3. To prevent discrimination in Dial-A-Ride transportation services, programs, or activities, whether those services are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person;
5. To establish procedures to annually review Title VI compliance;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in Dial-A-Ride transportation services, programs, or activities.

As the direct recipient of federal transportation funds, the City of Midland must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City of Midland shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of Midland, as a direct recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City of Midland will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

## Title VI Authorities

**Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000-4; 42USC 4601 to 4655; 23 USC 109(h);** Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs, and activities are federally assisted or not (Public Law 100-259 [S.557] March 22, 1988).

**Americans with Disabilities Act of 1990 PL 101-336:** No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

**Section 504 of the Rehabilitation Act of 1973:** No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

**USDOT Order 1050.2:** Standard Title VI Assurances

**EO 12250:** Department of Justice Leadership and coordination of Non-discrimination Laws.

**EO 12898:** Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

**EO 13166:** Improving Access to Services for Persons with Limited English Proficiency.

**28 CFR 50.3:** Guidelines for the enforcement of Title VI, Civil Rights Act of 1964.

**Definitions of terms are provided in Appendix A.**

## Regulatory Requirements

City of Midland Dial-A-Ride, as a recipient of federal funds must take affirmative steps to ensure that discrimination, as addressed by Title VI does not occur, and must perform the following actions in order to comply with federal requirements under 23 CFR Part 200 and 49 CFR Part 21:

1. **23 CFR 200.9(b) (1)** - Establish a civil rights unit and designate a coordinator.
2. **23 CFR 200.9(b) (3)** - Develop procedures for prompt processing and disposition of Title VI complaints received directly by City of Midland Dial-A-Ride and not received by FHWA, FTA, or FAA.
3. **23 CFR 200.9(b) (4)** - Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of City of Midland Dial-A-Ride programs.
4. **23 CFR 200.9(b) (5)** - Develop a program to conduct Title VI reviews of program areas.
5. **23CFR 200.9(b) (8)** - Review City of Midland Dial-A-Ride directives in coordination with state program officials and, where applicable, include Title VI and related requirements.
6. **23 CFR 200.9(b) (9)** - Attend training programs on Title VI and related to keep up-to-date on Title VI changes.
7. **23 CFR 200.9(b) (10)** - Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.
8. **23 CFR 200.9(b) (13)** - Establish procedures for pre-grant and post-grant approval reviews of state programs and applicants for compliance with Title VI requirements.
9. **23 CFR 200.9(b) (14)** - Establish procedures to identify and eliminate discrimination where found.
10. **23 CFR 200.9(b) (15)** - Establish procedures for promptly resolving deficiency status and reducing to writing remedial action agreed to be necessary, within a period not to exceed 90 days.
11. **49 CFR 21.5(b) (1)** - A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin.
  - i. Deny a person any service, financial aid, or other benefit provided under the program;
  - ii. Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;
  - iii. Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
  - iv. Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
  - v. Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons

must meet in order to be provided any service, financial aid, or other benefit provided under the program;

vi. Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or

vii. Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

12. **Executive Order 12898** - Ensure Environmental Justice principles are integrated into procedures and programs.
13. **Executive Order 13166** - Ensure that appropriate Limited English Proficiency processes and procedures are implemented.

#### **Related Laws and Statutes**

14. **Uniform Relocation Assistance and Real Property Acquisition Act of 1970.**
15. **Michigan's Elliott-Larsen Civil Rights Act** - Prohibits discrimination on the basis of race, color, religion, sex, national origin, height, weight, and marital status.

## Policy Statement

The City of Midland Dial-A-Ride is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. The City of Midland Dial-A-Ride assures that no person shall on the grounds of race, color, national origin, or limited English proficiency, be excluded from participation in, be denied the benefit of, or be otherwise subjected to, discrimination under any City of Midland Dial-A-Ride program or activity, whether or not the program or activity receives federal financial assistance. The City of Midland Dial-A-Ride further assures that every effort will be made to prevent or correct discrimination through the impacts of its programs or activities on any person, including minority populations and low-income populations.

The City of Midland Dial-A-Ride conducts its Title VI/Environmental Justice Program by involving all The City of Midland Dial-A-Ride personnel. The Assistant Director of Public Services has been identified as the Title VI Coordinator for the City of Midland Dial-A-Ride and is responsible to ensure the City of Midland Dial-A-Ride compliance with the Title VI regulations.

The City of Midland Dial-A-Ride will comply with all federal regulations and report complaints of discrimination to the Michigan Department of Transportation Civil Rights Program Unit EEO Officer.

Inquiries concerning City of Midland Dial-A-Ride policies, complaints, compliance with applicable laws, regulations, and concerns regarding compliance with Title VI may be directed to: The City of Midland, Attn: Assistant Director of Public Services, 333 W Ellsworth Street, Midland, MI 48640, phone (989) 837-6908 or email [jyuergen@midland-mi.org](mailto:jyuergen@midland-mi.org).

This policy statement will be circulated throughout The City of Midland Dial-A-Ride and will be included by reference in all contracts, agreements, and programs administered by The City of Midland Dial-A-Ride.

\_\_\_\_\_  
**Jon Lynch, City Manager**                      Date \_\_\_\_\_

\_\_\_\_\_  
**Jan Yuergens**  
**Assistant Director of Public Services**                      Date \_\_\_\_\_

**City of Midland**  
**Dial-A-Ride**  
**Title VI Assurance**

**The City of Midland Dial-A-Ride** (hereinafter referred to as the “Recipient”) **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color, national origin, disability, or limited English proficiency, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and

**HEREBY GIVES ASSURANCE THAT** it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations. More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the Federal Aid highway program:

1. That the Recipient agrees that each “program” and each “facility” as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all federal funded programs, and, in adapted form, in all proposals for negotiated agreements:

*The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000D to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of gender, disability, race, color, or national origin in consideration for an award.*

3. That the Recipient shall insert the clauses of Appendix D of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
4. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

5. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.

6. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties; (a) for the subsequent transfer of real property acquired or improved under any federally funded program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved, under a federally funded program.

7. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the Recipients or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

8. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.

9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assistance.

**THIS ASSURANCE** is given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the Recipient under the programs of the Federal Transit Administration (FTA)) and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the FTA program. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Recipient.

**City of Midland – Dial-A-Ride**

Date \_\_\_\_\_

**Jon Lynch**  
City Manager

## Administration - General

The City of Midland's Assistant Director of Public Services, as a designated Title VI coordinator, shall have lead responsibility for coordinating the administration of the Title VI and related programs, plans, and assurances. The Assistant Director will ensure the implementation and monitoring of the Title VI Plan.

The current contact information for Title VI coordinator is as follows:

**Assistant Director of Public Services**  
**City of Midland Dial-A-Ride**  
**333 W Ellsworth Street**  
**Midland, MI 48640**  
**(989) 837-6908**  
**Email: [jyuergen@midland-mi.org](mailto:jyuergen@midland-mi.org)**  
**Website: <http://www.cityofmidlandmi.gov/165/Dial-A-Ride>**

### Title VI Responsibilities

The Assistant Director of Public Services, as a designated Title VI coordinator, will:

- Ensure that all aspects of the planning process comply with Title VI and Environmental Justice (EJ)
- Serve as a resource person, helping to ensure participation of a cross section of people including various and diverse social, economic and ethnic interest groups are represented in the planning process
- Process Title VI complaints received by the City of Midland Dial-A-Ride
- Compile and collect, as needed, statistical data (race, color, and national origin) of participants in, and beneficiaries of the City of Midland Dial-A-Ride plans and programs
- Conduct reviews of Title VI program areas as necessary to determine the effectiveness of the program at all levels
- Review internal policies and, where applicable, incorporate procedures to ensure compliance with Title VI
- Attend training on Title VI, as made available

### Complaints

If any individual believes that s/he or any other program beneficiaries have been the object of an unequal treatment or discrimination as to the receipt of benefits and/or services, or on the grounds of race, color, national origin (including Limited English Proficiency), s/he may exercise their right to file a complaint with the City of Midland Dial-A-Ride. Every effort will be made to resolve complaints informally at the lowest level.

Complaints may be filed with the City of Midland's Assistant Director of Public Services. Complaints may also be filed directly with the U. S. Department of Transportation, Federal Transit Administration, 200 West Adams Street, Suite 320, Chicago, IL 60606-5253.

### Data Collection

Statistical data on race, color, national origin and English language ability of participants and beneficiaries of City of Midland Dial-A-Ride programs, will be gathered and maintained by City of Midland Dial-A-Ride. The compilation procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI and Environmental Justice (EJ) program.

### Title VI Reviews



The designated Title VI Coordinator will conduct the Title VI program reviews to assess the administrative staffing and resources available to Title VI compliance.

#### Remedial Action

City of Midland Dial-A-Ride will actively pursue the prevention of Title VI and Environmental Justice deficiencies and violations and will take necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and subsequently set it (them) in writing to effect compliance may not exceed 90 days from the day deficiencies are found.

## FILING A TITLE VI COMPLAINT

### Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City of Midland Dial-A-Ride programs, activities and services as required by statute.

### Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

### Roles and Responsibilities

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion, assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

### Filing a Complaint

The complainant shall make him/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

### Applicability

The complaint procedures apply to the beneficiaries of the City of Midland programs, activities and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

### Eligibility

Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by City of Midland or its sub-recipients, consultants and contractors on the basis of race, color, national origin (including Limited English Proficiency), may bring forth a complaint of discrimination under Title VI.

### Time Limitation on Filing Complaints

Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the City of Midland Dial-A-Ride must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, he/she will have sixty (60) additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

**Items that should not be considered a formal complaint:** (unless the items contain a signed cover letter alleging a violation of Title VI) include but are not limited to:

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- An anonymous complaint that is too vague to obtain required information
- Inquiries seeking advice or information
- Courtesy copies of court pleadings
- Newspaper articles
- Courtesy copies of internal grievances

## **INVESTIGATION**

### **Investigation Plan**

The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

### **Conducting the Investigation**

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- When the City of Midland does not have sufficient jurisdiction, the Title VI coordinator will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.

### **Investigation Reporting Process**

- Complaints made against the City of Midland sub-recipient should be investigated by the City following the internal complaint process.
- Within 10 days, the Title VI Coordinator will provide written acknowledgment to the complainant by registered mail.
- If a complaint is deemed incomplete, additional information will be requested and the complainant will be provided thirty (30) business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- Within fifteen (15) business days from receipt of a complete complaint, the City of Midland will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation.
- Within forty (40) days of receiving the complete complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the City of Midland's office for review.
- Title VI Coordinator reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a determination of "probable cause" or "no probable cause" and prepares the decision letter sent to Complainant by registered mail.
- Letters of finding will be sent to the complainant within ninety (90) days from receipt of the complete complaint, unless an extension has been granted.

If the complainant is dissatisfied with the City of Midland's resolution of the complaint or wishes to file a complaint directly with the FTA they can submit their complaint to the FTA at the address below:

**U.S. Department of Transportation  
Federal Transit Administration  
200 West Adams Street, Suite 320  
Chicago, IL 60606-5253**

### **Retaliation**

The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

**Assistant Director of Public Services  
333 W. Ellsworth  
Midland, Michigan 48640  
Phone: (989) 837-6908  
Fax: (989) 835-5651  
E-mail: [jyuergen@midland-mi.org](mailto:jyuergen@midland-mi.org)**

### **Reporting Requirements to an External Agency**

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the Federal Transit Administration, Civil Rights Program, 200 West Adams Street, Suite 320 Chicago, IL 60606-5253 within sixty (60) days of the date the complaint was received.

### **Records**

All records and investigative working files are maintained in a confidential area. Records are kept for three (3) years.

**See Appendix D for City of Midland Dial-A-Ride Complaint Form.**

## Title VI Plan Distribution & Posting

Title VI information shall be disseminated to City of Midland Dial-A-Ride employees via the Employee Education form (see Appendix E). This form reminds employees of the City of Midland Dial-A-Ride policy statement and of their Title VI responsibilities in their daily work and duties.

During new employee orientation, new employees shall be informed of the provisions of Title VI and City of Midland Dial-A-Ride's expectations to perform their duties accordingly.

All employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt (see Appendix F).

All revenue vehicles and Dial-A-Ride offices will display posters with the following information:

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

City of Midland is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A. **If you feel you are being denied participation in or being denied benefits of the transit services provided by City of Midland, or otherwise being discriminated against because of your race, color, national origin, you may contact:**

**Assistant Director of Public Services**

**Title VI Coordinator**

**City of Midland Dial-A-Ride**

**333W. Ellsworth Street**

**Midland, Mi 48640**

**989-837-6908**

For more information, visit our website at [www.cityofmidlandmi.gov/165-Dial-A-Ride](http://www.cityofmidlandmi.gov/165-Dial-A-Ride)

## **Annual Work Plan**

The Assistant Director of Public Services shall have lead responsibility for coordinating the administration of the Title VI and related programs, plans, and assurances.

Title VI Plan Updates will be completed when conditions change which impact the provisions of the current Plan, or when the Federal Transit Administration requires an update. There will be Title VI compliance reviews on sub-recipients only when the City of Midland-Dial-A-Ride contracts out to carry a portion of its program.

## Limited English Proficiency Plan

Compliance with Title VI includes consideration of Limited English Proficient (LEP) persons. Language barriers can prohibit people who are LEP from obtaining services and information relating to transportation services and programs. Because people who are LEP are not able to read instructions or correspondence written in English, and may not understand verbal information, they often are not aware of regulatory requirements and legal implications of the services they seek.

Guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. The recipient has to take “reasonable steps” to remove barriers for LEP individuals. It is essential that The City of Midland Dial-A-Ride personnel, transportation providers, professionals, and other sub-recipients of federal funds become informed about diverse clientele in its service area.

The U.S. Department of Justice, Civil Rights Division, has developed a set of elements that may be helpful in evaluating the need for designing an LEP policy or plan. These elements are:

1. Identifying LEP persons who need language assistance.
2. Identifying ways in which language assistance will be provided.
3. Training of staff and others.
4. Providing notice to LEP persons.
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT (see below).

The guidance outlines four factors that recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP community.
4. The resources available to the recipient and overall cost.

The intent of the guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

### The Four-Factor Analysis

**Factor 1: The number or proportion of LEP persons in the service area who may be served or are likely to be encountered by the City of Midland Dial-A-Ride program, service, or activity.**

The Census Bureau has a range for four (4) classifications of how well people speak English. The classifications are: 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons.

As seen in Table #1, the Census 2010 Data for the City of Midland shows a small amount of the population that would speak English less than 'very well'.

**TABLE #1**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	39,511	39,511
English only	36,960	93.5%
Language other than English	2,551	6.5%
Speak English less than "very well"	449	1.1%
Spanish	932	2.4%
Speak English less than "very well"	60	0.2%
Other Indo-European languages	937	2.4%
Speak English less than "very well"	201	0.5%
Asian and Pacific Islander languages	682	1.7%
Speak English less than "very well"	188	0.5%
Other languages	0	0.0%
Speak English less than "very well"	0	

The table shows the different language groups within the City of Midland Dial-A-Ride area and the total number of each group that speaks English less than "very well." It also shows the percentage of the total population that speaks English less than "very well" per language group. The total percent of all the language groups for the City of Midland Dial-A-Ride area is 1.06%.

The threshold for addressing Limited English Proficiency is 1,000 populations for each language group or 5% of total population. The analysis shows that the City of Midland Dial-A-Ride is well below the population threshold as well as the percentage threshold, i.e. has very few LEP persons within its service area.

According to U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons, "*Certain recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.*" Since the City of Midland Dial-A-Ride fulfills both conditions, it will not develop a formal written LEP plan. In addition, based on not meeting LEP threshold, City of Midland Dial-A-Ride does not need to translate vital documents into other languages. However, the City of Midland Dial-A-Ride will monitor the LEP needs within its service area, and will strive to accommodate any LEP person on a request basis to make sure their needs are met.

## **Factor 2: The frequency with which LEP persons come in contact with the City of Midland Dial-A-Ride program, activity, or service.**

In January 2016 the City of Midland Dial-A-Ride implemented a program for all call takers to submit, on a daily basis, the number of times they came in contact with an individual with limited English proficiency. This program did not include drivers as the call takers provide the pickup and drop off information to the drivers. Each call taker is provided with a daily sheet to track this information. The daily sheets are then entered into a spreadsheet. During 2016 DART averaged 6.942 calls per week. Based on a total annual ridership of \$106,000, approximately (.0034); less than half of 1% of our services are provided to LEP persons.



**Factor 3: The Nature and Importance of the Program, Activity, or Service by City of Midland Dial-A-Ride to the LEP population.**

Transportation plays an important role in the lives of City of Midland residents including LEP individuals. The City of Midland Dial-A-Ride is committed to providing safe and reliable transportation services to the LEP population as well as all the residents of the City of Midland. The City of Midland's website provides language translation regarding services provided by Dial-A-Ride. If language skills or interpretation are needed the City of Midland Dial-A-Ride will strive to translate documents or service related information into other languages upon request. To date the City of Midland Dial-A-Ride has not received a translation request.

**Factor 4: The Resources Available to City of Midland Dial-A-Ride and the Overall Cost to provide LEP assistance.**

The City of Midland Dial-A-Ride will continue to monitor the LEP needs within its service area, and will strive to accommodate any LEP person on a request basis and ensure the following language assistance measures are in place as requested.

- If an interpreter is needed, in-person or for telephone contact, staff can access on-line language assistance services through LanguageLine Solutions at [www.language.com](http://www.language.com).

According to U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the *Federal Register*, December 14, 2005 (Volume 70, Number 239), "*Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.*" Since the City of Midland Dial-A-Ride fulfills both conditions, it will not develop a formal written LEP plan.

**Safe Harbor Stipulation**

Federal law provides a "Safe Harbor" situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A "Safe Harbor" means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance that can be provided by a fact-intensive, four-factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under "Safe Harbor" includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally. This "Safe Harbor" provision

...the translation of written documents only. It does not affect the requirement to provide meaningful  
Page 118 LEP individuals through competent oral interpreters where oral language services are needed and are  
reasonable.

The four factor analysis the City of Midland Dial-A-Ride has conducted indicates that within the Dial-A-Ride service area, the LEP thresholds are not met in either volume or percentage and therefore the City of Midland Dial-A-Ride is not required to translate any vital documents into any foreign language. If requested, City of Midland Dial-A-Ride will provide language interpretation services or written translation for any individual on a case-by- case basis, within its available resources.

In addition, given the budget of the City of Midland-Dial-A-Ride and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the City of Midland Dial-A-Ride to provide written/oral interpretation options as needed/requested only.

## **Notice and Action to LEP Individuals**

US DOT LEP guidance states:

*“Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.”*

The four factor analysis the City of Midland Dial-A-Ride has conducted indicates that within City of Midland Dial-A-Ride service area, the LEP thresholds are not met in either volume or percentage and therefore the City of Midland Dial-A-Ride is not required to translate any vital documents into any foreign language. If requested, the City of Midland Dial-A-Ride will provide language interpretation services or written translation for any individual on a case by case basis, within its available resources.

The City of Midland Dial-A-Ride will publish the LEP Review as part of the approved Title VI document on its website for public review. The City of Midland Dial-A-Ride will include a non-discrimination notice in its documents, materials, and on its website. Also, City of Midland Dial-A-Ride staff will attend training sessions addressing services to LEP persons when they are available.

## **LEP Complaint Procedures**

Complaints of discrimination involving LEP and related statutes will all be handled using the same complaint procedures and process as outlined in the Title VI Plan Complaint Procedures (Appendix D) in this document. Questions or comments regarding the LEP issues/services should be directed to the Title VI Coordinator, City of Midland Dial-A-Ride, 333 W Ellsworth Street, Midland, MI 48640, phone: (989) 837-6908 or email: [jyuergen@midland-mi.org](mailto:jyuergen@midland-mi.org).

## Public Participation

As an agency receiving federal financial assistance, we have made the following community outreach efforts:

### Public Meetings

Dial-A-Ride Commission meetings are held annually each spring and the public is invited to attend.

- Potential changes in service, based on community input, are presented to the DART Commission which makes a recommendation to City Council via a public hearing. Should the City Council adopt the changes the information is shared with residents via press releases, notices posted in the busses, phone recordings, public cable TV, notification to service agencies, and public service announcements. City of Midland Dial-A-Ride brochures are then updated and available for distribution.
- Dial-A-Ride submits an annual application for funding to the Michigan Department of Transportation. The application requests funding for both capital and operating assistance. Part of the annual application is a public notice, which includes a 30-day public comment period.

Since our last submission the DART Commission has met on the following dates:

- March 27, 2014
- April 16, 2015
- May 2, 2016

DART Commission meeting minutes can be found on the City of Midland's website at:

<http://www.cityofmidlandmi.gov/AgendaCenter/DialARide-Advisory-Commission-16>

### DART Training

Dial-A-Ride provides a consumer training program to community groups and individuals to educate and help make using Dial-A-Ride services as user-friendly as possible. This program includes personal visits, upon request to help new riders feel comfortable using our service. These visits include instruction on boarding the bus as a walk-on rider to boarding the bus utilizing the lift with or without a mobility devices and training in maneuvering mobility devices once on the bus. Most recent community group presentations were provided at:

Location	Facility Type	Date
Washington Woods	Senior Housing	September 22, 2015
Riverside	Senior Housing	March 20, 2016

See Appendix I for handout used for community group presentations.

### Customer Complaint Process

The public can contact the DART Supervisor directly at (989) 837-6918, to lodge a complaint or comment. All complaints/comments are documented and the Dial-A-Ride supervisor researches the complaint and responds back to the citizen.

### Community Partnerships

- Dial-A-Ride helps to provide transportation services for community based education and work experience programs for Midland County ESA and Midland Public Schools special education students.
- Dial-A-Ride works with Midland County Connection and Bay Metro Transit to provide regional transportation for users.
- The Assistant Director of Public Services sits on the Midland County Connection Local Advisory Committee

Dial-A-Ride works with Disability Network, Arc of Midland, The Arnold Center and Community Mental Health to provide training for our staff on working with individuals with differing abilities.

Since our last submission the City of Midland participated in the Public Involvement Session sponsored by the City of Midland and the Midland Area Transportation Study (MPO):

Date	Agency	Description
October 14, 2015	MPO	Long Range Transportation Plan
April 25, 2016	City of Midland City Council Meeting	Reinstatement of Sunday Service Public Hearing
May 9, 2016	City of Midland City Council Meeting	Reinstatement of Sunday Service Public Hearing
November 8, 2016	MPO	Midland Area Public Transportation Study
November 16, 2016	MPO	Long Range Transportation Plan
December 1, 2016	MPO	Midland Area Public Transportation Study

Flyers were distributed by DART drivers on busses advertising this opportunity for public involvement and a press release was published by the City Midland.

In addition, a survey was hosted on the City of Midland's website in conjunction with the Midland Area Public Transportation Study from October 27, 2016 – December 9, 2016 seeking public input on transportation services.

The City of Midland began including Dial-A-Ride brochures with all new resident packets beginning January 1, 2016.

The Dial-A-Ride Supervisor has distributed brochures regarding our services to the following agencies:

Shelterhouse	Open Door	First United Methodist Church
Midland Area Homes	Midland County Human Services	Michigan Works
United Way of Midland County	Head Start	Disability Network of Midland
ARC of Midland	Council on Aging	Community Mental Health
Family and Children Services	J A Counseling	WIC
Bay Metro Transit	Partners in Change	Cleveland Manor
Riverside	Department of Human Services	

## Examples of Public Participation Plan Public Notices

### NEWS RELEASE

CONTACT: Libby Richart  
City of Midland Communications Coordinator  
PHONE: 989-837-3307  
DATE: October 2, 2015

### Transportation Study Open House Set for October 14

**October 2, 2015** – The Midland Area Transportation Study (MATs) will host an open house for residents, businesses, and other stakeholders to provide input regarding the region's long-range transportation plan, which includes public transportation providers such as Dial-A-Ride.

With the help of the community, MATs would like to:

- determine a long-term vision with respect to the region's transportation systems;
- identify and discuss goals and objectives of the Long Range Transportation Plan;
- identify and discuss policies, strategies, and projects for the future; and
- collaborate on all transportation modes.

The open house will be held Wednesday, October 14 from 5-8 p.m. in Council Chambers at Midland City Hall, 333 W. Ellsworth Street, Midland, Michigan.

MATs is part of the Metropolitan Planning Organizations (MPO), a collaborative group of all the governmental agencies and transits that fall within an urbanized area. The MPO is charged with developing short- and long-range plans for all future transportation and transit needs in the area. These plans are required by the MPO in order for the urbanized area to receive federal funds for both highways and transit.

For additional Information, visit [www.midlandmpo.com](http://www.midlandmpo.com) or call MATs at 989-832-6812.

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### NOTICE OF PUBLIC MEETINGS

**The Midland Area Transportation Study (MATs) Technical and Policy Committees** will meet on **Tuesday, January 5, 2015** at 10:00 AM and 11:00 AM, respectively, at the 4<sup>th</sup> Floor Conference (Room 472) in the Midland County Services Building, 220 West Ellsworth Street, Midland, MI 48640. During the meetings, an opportunity for public comment will take place regarding transportation issues including MATs' Transportation Improvement Program (TIP) and projects related to FHWA STP funding and FTA 5307/5339/5311 funding. Meeting agendas and supplemental information available online at [www.midlandmpo.com](http://www.midlandmpo.com). Pursuant to the Americans with Disabilities Act, individuals with disabilities may request aids/services within a reasonable time period to participate. This notice is used to satisfy the public participation process for the Program of Projects (POP) for the City of Midland Dial-A-Ride Transportation (DART), in accordance with Chapter 53 of Title 49 US Code (FTA requirements), and the metropolitan/statewide planning regulations (MAP-21). For more information contact Maja Bolanowska, MATs Director, at [info@midlandmpo.com](mailto:info@midlandmpo.com) or 989-832-6333.

CONTACT: Katie Guyer  
City of Midland Communications Coordinator  
PHONE: 989-837-3307  
DATE: June 21, 2016

## Dial-a-Ride to Offer Sunday Bus Service During Trial Period

June 21, 2016 – City of Midland Dial-A-Ride will begin offering Sunday bus service beginning Sunday, July 10, 2016, as part of a 12- to 18-month trial service expansion. Following the end of the trial period, Dial-A-Ride will evaluate usage rates and passenger input to determine if Sunday service should be reinstated on a permanent basis.

During this trial period, Sunday bus service will be available from 8:30 a.m. to 2:30 p.m. within Midland city limits. Standard rates of fare will apply for Sunday rides. Phone service hours will not be available on Sunday, so passengers are encouraged to schedule their Sunday rides during DART phone service hours:

- Monday – Friday, 9:00 a.m. – 5:00 p.m.
- Saturday, 8:30 a.m. – 1:00 p.m.

Cancellations for Sunday rides will be accepted until 8:00 a.m. on Sunday. Ride cancellations after 1:00 p.m. on Saturday must be made by calling the Dial-A-Ride After Hours Hotline at 989-837-6999.

For more information, please call Dial-A-Ride at 989-837-6940 or visit the City website at <http://www.cityofmidlandmi.gov/165/Dial-A-Ride>

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## News Release: Input sought for Midland County Public Transportation Study

November 03, 2016 / Ben Tierney

A study focusing on Midland County's public transportation is currently underway. The goal of the study, being conducted by consulting firm RLS & Associates, is to identify gaps and needs within the service and derive potential solutions for improving the overall system.

seeks to increase accessibility and mobility of Midland County residents, enhance efficient transportation promote cooperation and connectivity between individual providers. Inadequate public transportation was listed as one of the top needs in Midland County according to a needs assessment study completed by the Midland Area Community Foundation (MACF) in 2013.

Midland County residents have an opportunity to submit thoughts and ideas regarding public transportation. An online survey is available at <http://bit.ly/ecityhall> and open to all residents. A paper version of the survey can be picked up and submitted at the Midland Area Community Foundation office, 76 Ashman Circle, between 8AM – 5PM Monday through Friday.

Public input sessions are scheduled for Tuesday, November 8th, 6PM at the Grace A. Dow Memorial Library and Thursday, December 1st, 6PM at City Hall. Free and open to any Midland County resident, the sessions are expected to last 90 minutes. Residents are asked to RSVP by calling the community foundation at 989.839.9661.

Public input on this issue can also be provided on November 16th, 4PM – 7PM at the Grace A. Dow Memorial Library during a public open house for the Long Range Transportation Plan, which is being developed for the Midland area by its Metropolitan Planning Organization, the Midland Area Transportation Study.

“We face some unique challenges regarding public transportation in our community,” said Maja Bolanowska, Midland Area Transportation Study Director. “Dial-A-Ride and County Connection do a wonderful job with their resources, but community feedback seems to be that the first come, first serve reservation system is not ideal for many. We want to look at all of our options and identify potential solutions.”

Funding for the public transportation study comes from a federal grant as well as an \$11,600 grant from MACF. For more information, contact MACF at 989.839.9661 or [info@midlandfoundation.org](mailto:info@midlandfoundation.org).

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## **Non-Elected Committees**

The City of Midland Dial-A-Ride does not have any advisory committees of which the membership is chosen by our agency. The City of Midland City Council appoints a five member commission (DART Commission) that includes one member with a disability, one member age 65 or older, one member from the Midland Council on Aging and two citizens at large. This committee make up is based on the local advisory requirements of the Michigan Department of Transportation.



## Program Specific Requirements

### Sub- Recipient Compliance

The City of Midland Dial-A-Ride does not currently subcontract any transportation services.

### Equity Analysis for Facility

During the last three years, the City of Midland Dial-A-Ride has not constructed a vehicle storage, operations center or maintenance facility.

### Demographic Service Profile

A demographic service profile was not prepared for this plan as the City of Midland does not operate a fixed route service.

### Equal Employment Opportunity Program

The City of Midland Dial-A-Ride has completed and submitted the EEO Questionnaire and does not meet the threshold requirements for this program.

## Grants, Reviews and Certifications

### Pending Applications for Financial Assistance

The City of Midland Dial-A-Ride has no pending applications for financial assistance from any federal agency other than the Federal Transit Administration (FTA).

### Civic Rights Compliance Review in the past 3 years

None

### Previous Triennial Review Findings

Below is a list of Triennial Review Findings that were abated in December 2015:

Review Area	Finding	Deficiency
2. Technical Capacity	365 -1	Lacking 5307 Grant Administration Procedures
	365-2	Inadequate 5307 program knowledge
3. Maintenance	48	Vehicle maintenance plan incomplete or out of date
6. Procurement	22	Procurement policies and procedures not evident
	265	Pre - award and/or post - delivery certifications lacking
8. Legal	65	Officials do not have requisite authority
9. Satisfactory Continuing Control	58	Incomplete equipment records
10. Planning/ POP	93	Public participation deficiencies

## Appendix A – Definitions of Terms

**Adverse Effects:** The totality of significant or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority and low-income individuals within a given community or from the broader community; and the denial of , reduction in, or significant delay in the receipt of, benefits of FTA programs, policies, or activities.

**Affirmative Action:** A good faith effort to eliminate past and present discrimination and to ensure that future discriminatory practices do not occur. Actions aimed at addressing the underrepresentation of minorities and females.

**Beneficiary:** An individual and/or entity that directly or indirectly receive an advantage through the operation of a federal program; however, they do not enter into any formal contract or agreement with the federal government where compliance with Title VI is a condition of receiving such assistance.

**Citizen Participation:** An open process in which the rights of the community to be informed, to provide comments to the Government, and to receive a response from the Government are met through a full opportunity to be involved, and to express needs and goals.

**Compliance:** The satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

**Deficiency Status:** The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.

**Disparate Impact:** Discrimination which occurs as a result of a neutral procedure or practice and such practice, lacks a "substantial legitimate justification." The focus is on the consequences or impact of a recipient's practices rather than the recipient's intent.

**Discrimination/Disparate Treatment:** Discrimination which occurs when similarly situated persons are treated differently intentionally, because of their race, color, national origin, and the decision maker was aware of the complainant's race, color, national origin, and decisions were made (at least in part) because of one or more of those factors.

**Disproportionately High and Adverse Effect on Minority and Low-Income Populations** means an adverse effect that: is predominantly born by a minority population and/or a low-income population will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low income population.

**Facility:** Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

**Limited English Proficiency:** Individuals with a primary or home language other than English who must, due to limited proficiency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by City of Midland Dial-A-Ride.

**Low Income:** a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services guidelines.

**Low-Income Populations:** Any readily identifiable group of low-income persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons who may be similarly affected by a proposed DOT program, policy, or activity. Low income is defined by the poverty threshold stipulated by the U.S. Department of Health and Human Services.

**Minority:**

**African American** – a person having origins in any of the black racial groups of Africa.

**Hispanic** – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

**Asian** – a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent.

**American Indian or Alaskan Native** – a person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

**Native Hawaiian and Other Pacific Islander** -- a person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

**Minority Populations:** Identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons, i.e., migrant workers, Native Americans, and others, who will be similarly affected by a proposed DOT program, policy, or activity.

**Non-compliance:** A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.

**Persons:** Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin,” “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native.” Additional sub-categories based on National origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

**Program Area Officials:** The officials in the FTA who are responsible for carrying out technical program responsibilities.

**Programs, Policies, and/or Activities:** All projects, programs, policies, and activities that affect human health or the environment, and that are undertaken, funded, or approved by FTA. These include, but are not limited to, permits, licenses, and financial assistance provided by FTA. Interrelated projects within a system may be considered to be a single project, program, policy, or activity for purposes of this Order. In addition, it includes any highway project or activities for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other agreements with the recipient.

**Recipient:** Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any

individual in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal  
Page 129 extended, either directly or through another recipient, for any program. Recipient includes any  
successor, assignee, or transferee thereof. The term recipient does not include any ultimate beneficiary under  
any such program.

**Regulations and Guidance:** Means regulations, programs, policies, guidance, and procedures promulgated,  
issued, or approved by FTA.

**State Transportation Agency:** That department, commission, board, or official of any state charged by its laws  
with the responsibility for highway construction. The term State would be considered equivalent to the State  
Transportation Agency if the context so implies.

**Sub-Recipient:** A non-federal entity that expends federal awards received from a pass-through entity to carry  
out a federal program, but does not include an individual that is a beneficiary of such a program. A sub-  
recipient may also be a recipient of other federal awards directly from a federal awarding agency. [Cities,  
counties, universities, contractors, sub-contractors, and consultants]

## Appendix B - Transfer of Property

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### (GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Michigan Department of Transportation, will accept title to the lands and maintain the project constructed thereon, in accordance with State of Michigan, the Regulations for the Administration of the State Transportation Program and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### (HABENDUM CLAUSE)\*

TO HAVE AND TO HOLD said lands and interests therein unto the Michigan Department of Transportation, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Michigan Department of Transportation, its successors and assigns. The Michigan Department of Transportation, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed [,] [and]\* (2) that the Michigan Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

## Appendix C - Permits, Leases, and Licenses

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

**Appendix D - TITLE VI COMPLAINT FORM – Page 1**

Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance.”

This form may be used to file a complaint with the City of Midland Dial-A-Ride based on violations of Title VI of the Civil Rights Act of 1964. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

*If you need assistance completing this form for any reason, please contact the Assistant Director of Public Services, by phone: (989) 837-6908, or by e-mail at [jyuergen@midland-mi.org](mailto:jyuergen@midland-mi.org).*

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cell)

Email Address: \_\_\_\_\_

Do you or the individual you are filing this complaint require language assistance: \_\_\_\_\_ Yes \_\_\_\_\_ No

**Individual(s) discriminated against, if different than above (use additional pages, if needed).**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cell)

Email Address: \_\_\_\_\_

Has the individual filing this complaint done so in the past? \_\_\_\_\_ Yes \_\_\_\_\_ No

Please explain your relationship with the individual(s) indicated above: \_\_\_\_\_

**Name of agency and department or program that discriminated:**

Agency or department name: \_\_\_\_\_

Name of individual (if known): \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_



**Appendix D - TITLE VI COMPLAINT FORM – Page 2**

**Date(s) of alleged discrimination:** Date discrimination began \_\_\_\_\_ Last or most recent date \_\_\_\_\_

**ALLEGED DISCRIMINATION:**

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

\_\_\_\_\_ **Race**          \_\_\_\_\_ **Religion**          \_\_\_\_\_ **Color**          \_\_\_\_\_ **National Origin**

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

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Witness Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cell)

Witness Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cell)

**Signature of Person Preparing Form:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Please return completed form to:** Assistant Director of Public Services, 333 W. Ellsworth, Midland, Michigan 48640, phone: (989) 837- 6908, fax: (989) 835-5651, or via e-mail: [jyuergen@midland-mi.org](mailto:jyuergen@midland-mi.org).

**Note:** *The City of Midland prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the city. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

**Appendix E - Employee Acknowledgement of Receipt of Title VI Plan**

I hereby acknowledge the receipt of City of Midland Dial-A-Ride's Title VI Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A.

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Employee signature

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Print name

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Date

## Appendix F - Employee Education Outline

### Title VI Policy

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

#### Training Outline:

- Information on the City of Midland Dial-A-Ride Title VI Policy
- DVD Entitled: Title VI of the Civil Rights Act by SRBC Communications
- Description of language assistance services offered to the public.
- How to handle a potential Title VI complaint.

## Annex G— List of Transit-Related Title VI Investigations, Complaints and Lawsuits

	Date	Summary	Status	Actions Taken
<b>Investigations</b>		<b>None</b>		
1.				
2.				
<b>Lawsuits</b>		<b>None</b>		
1.				
2.				
<b>Complaints</b>		<b>None</b>		
1.				
2.				

## **Appendix H – Title VI Notice to the Public**

The following posting appears on the City of Midland Dial-A-Ride website, transit office, reception area, break rooms and vehicles:

**Title VI of the Civil Rights Act of 1964** prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

The City of Midland Dial-A-Ride is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A.

If you feel you are being denied participation in or being denied benefits of the transit services provided by The City of Midland Dial-A-Ride, or otherwise being discriminated against because of your race, color, or national origin, you may contact our office at:

**Assistant Public Services Director  
City of Midland Dial-A-Ride  
Title VI Coordinator  
City of Midland  
333 W. Ellsworth Street  
Midland, MI 48640  
(989-837-6908)**

For more information, visit our website at [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov).

## Appendix I – Example Handout for Community Presentations



**AFTER HOURS  
EMERGENCY HOTLINE**  
**989-837-6940**  
**Option #2**

Passengers who have scheduled a ride during evenings, Monday – through Friday (5 pm – 10:30 pm) or on Saturday (1 pm – 8 pm) and are not picked up as expected may call the after hours hotline for emergency bus service.

**Questions or  
Concerns**

If you have any questions or concerns regarding using Dial-A-Ride system please contact:

**Janet Yuergens**  
**DART Operations**  
**989-837-6908**

**Amy Dooley**  
**DART Supervisor**  
**837-6918**

### Quick Tips for Using Dial-A-Ride System

- Rides are booked on a first call, first served basis.
- Book your rides well in advance.
- *If you wait to book your ride until the day before or the day of service there will be very limited availability.*

#### **BOOKING RIDES:**

Passengers will need to provide the person booking their ride important details about the trip they are booking:

- What time they need to arrive for an appointment (not just the appointment time).
- If they are using a mobility device or grocery cart.
- Passengers should update their phone number.
- There will be a 20 minute pickup window scheduled for each ride scheduled.

#### **PASSENGERS NEED TO WRITE DOWN THE 20-MINUTE PICKUP WINDOW INFORMATION FOR EACH RIDE BOOKED!**

- **BE READY! The driver will wait 2 minutes in the 20-minute window before continuing on to the next stop. Missed rides will be charged and the fare must be paid before service resumes.**

Dial-A-Ride will continue to accept same day ride reservations and subscription rides. Reservation times are booked on a first-call, first-served basis and certain times of the day do book up quickly. To increase chances of obtaining a ride at your preferred time, provide as much advance notice as possible.

- **Busiest ride times are 7:00 am – 9:00 am and 3:00 pm – 5:00 pm .**
- **Busiest phone service hours are 8:00 am—10:00 Monday –Friday. Expect longer wait periods to book a ride.**

#### **CANCEL A RIDE:**

Rides must be cancelled 60 minutes prior to the pickup time or the rider will be responsible for the fare.

Call the DART office at 837-6940 to cancel a ride during phone service hours and press option 1:

- **Monday-Friday            8:00 am – 5:00 pm**
- **Saturday                    8:30 am – 1:00 pm**

Evening rides must be cancelled by 5:00 pm weekdays and 1:00 pm on Saturday or the rider is responsible for the fare.

Morning rides scheduled for pick up **prior** to 8:30 am may use the Dial-A-Ride hotline number 989-837-6940 (choose option #1) to cancel their ride. **ONLY** morning rides scheduled prior to 8:30 am may be cancelled by calling the hotline.

BY COUNCILMAN

WHEREAS, the City of Midland Dial-A-Ride is an eligible recipient of federal financial assistance; and

WHEREAS, the City of Midland Dial-A-Ride is required to adhere to the Title VI regulation (49 CFR Part 21) and the Federal Transit Administration's Circular 4702.1B; and

WHEREAS, the City is fully committed to ensure that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color or national origin as protected by Title VI of the Civil Rights Act of 1964, as amended; and

WHEREAS, the City of Midland Dial-A-Ride must submit a Title VI plan to the Federal Transit Administration every three years; and

WHEREAS, the Title VI plan must be approved by the eligible recipient's governing body; and

WHEREAS, the Title VI plan must contain the following elements:

- Notice of rights under Title VI
- How to file a complaint, copy of complaint form
- List of Title VI investigations, complaints or lawsuits
- Public Participation plan
- Limited English Proficient (LEP) plan
- Governing body resolution or minutes demonstrating approval of the program; now therefore

RESOLVED, that the City Council hereby approves the City of Midland Dial-A-Ride's 2017 Title VI Plan; and

RESOLVED FURTHER, that the City Manager, or his designee, is hereby authorized to develop, implement, monitor and execute all required documents necessary to comply with Title VI program requirements of 49 CFR Part 21 and Circular 4702.1B.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a        yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

8.       \* Approving the request to conduct a Hike for Hearing 5k on Sunday, April 2.  
MCMANUS



**SUMMARY REPORT TO CITY MANAGER**  
for City Council Meeting of March 13, 2017

**SUBJECT:** HIKE FOR HEARING 5K

**INITIATED BY:** City of Midland Engineering Department

**RESOLUTION SUMMARY:**

The attached resolution approves the request from Hannah Twardy to conduct a Hike for Hearing 5k on Sunday, April 2, 2017, utilizing the public right-of-way.

**ITEMS ATTACHED:**

1. Letter of transmittal
2. Event application
3. Resolution

**CITY COUNCIL ACTION:**

3/5 vote required to approve resolution

**SUBMITTED BY:** Brian McManus, City Engineer



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

March 7, 2017

Jon Lynch, City Manager  
City of Midland  
Midland, MI 48640

Dear Mr. Lynch:

Attached please find a request from Hannah Twardy to conduct a Hike for Hearing 5k on Sunday, April 2, 2017, utilizing the public right-of-way. The Administrative Staff has reviewed the request and recommends approval subject to the following conditions:

- The responsible party and contact number for the event date is Hannah Twardy, 616-824-6358.
- It is suggested the organizer have an alternative start/end point in the event there is any spring flooding that closes Emerson Park.
- If there are plans to use a park pavilion or put up a tent for the start/end point, organizer needs to call the Parks Office at 837-6930.
- The restrooms at Emerson Park will NOT be open for the season by April 2. If the organizer feels restrooms are needed, they will have to arrange to have a porta-jon brought in.
- Use of the Rail Trail is non-exclusive and **no markings of any type** (i.e., paint, spray paint, spray chalk, chalk, etc.) are permitted on the trail route surfaces.
- Participants must remain on the Rail Trail and obey all traffic laws and traffic control devices as well as the Rail Trail Etiquette/Rules attached.
- Trail must be cleaned up afterwards to remove any litter.
- Engineering will write Traffic Control Order for road closures.
- Department of Public Services will provide barricades per appropriate traffic control order issued by City Engineering.

- Event volunteers must monitor the intersections and move barricades for cars and passage of emergency vehicles as needed, when runners are not present. Two weeks prior to the event, organizer shall meet with City Right-of-Way Inspector, Tom Hoblet (837-3355) for awareness training.
- The Police Department will monitor the event on regular patrol.

Attached for your consideration is a resolution which will grant approval of the request. The resolution also grants authority to the Administrative Staff to approve future requests if conducted in substantially the same manner.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Brian P. McManus  
City Engineer

BPM:pp

Enclosure

## Event Application

Thank you for submitting an event request with the City of Midland. Please fill out the information below and submit. A staff member will be in touch with you shortly.

Sponsoring Organization	Delta Zeta
Contact Person/Position	Hannah Twardy/VP of Philanthropy
Please describe your organization	Service Sorority
Non-Profit Organization?	Yes
Phone Number	(616)824-6358
Email	<a href="mailto:twardyh@northwood.edu">twardyh@northwood.edu</a>
Address1	6217 Alyse Lane
City	Midland
State	MI
Zip	48640
Name of Proposed Event	Hike for Hearing 5K
Brief Description of Event	Delta Zeta would like to put on a 5K in the downtown Midland area. The event will start at 11 am and end at 2pm. The race begins and ends at Emerson park and is primarily on the Pere Marquette Rail Trail. All proceeds will go to Starkey Hearing Foundation.
Requested Date(s) of Use	April 2nd, 2017
Requested Time(s) of Use	11:00am-2:00pm
Is this a Repeat Event?	No
Set Up to Begin	10:00am
Duration of Event	2-3 hours
Clean Up to End	2:00pm
Requested Location	Emerson Park

Will You Charge Admission?	Yes
No. Participants Expected?	75-100
What type of event are you hosting?	Run/Walk
Will you be utilizing tents and if so, what size are your tents?	No.
Street Closures: Are you requesting any street closures?	Yes
Times Streets Closed	11:00am
Times Streets Reopened	12:30pm
Please describe your street closure requests:	Race will be on Pere Marquette Rail Trail and crosses Currie Pkwy. and Emerson Park Rd.
Will you apply to serve alcohol?	No
Concessions: Who will provide?	<i>Field not completed.</i>
What are your electrical needs?	None.
Will you be utilizing amplified sound?	No
How will sound be amplified?	<i>Field not completed.</i>
Will you be providing additional restroom facilities above what is already offered at the requested location? If so, who will be providing this service?	No.

If you are holding your event in a park, will you be reserving a park shelter for your event?

No

The City of Midland offers equipment rental for a fee based on availability. Are you interested in utilizing any of the following?

*Field not completed.*

Other Requests: Please note that other elements of your event may require additional approval. Do you have additional requests (i.e. fireworks, etc.)?

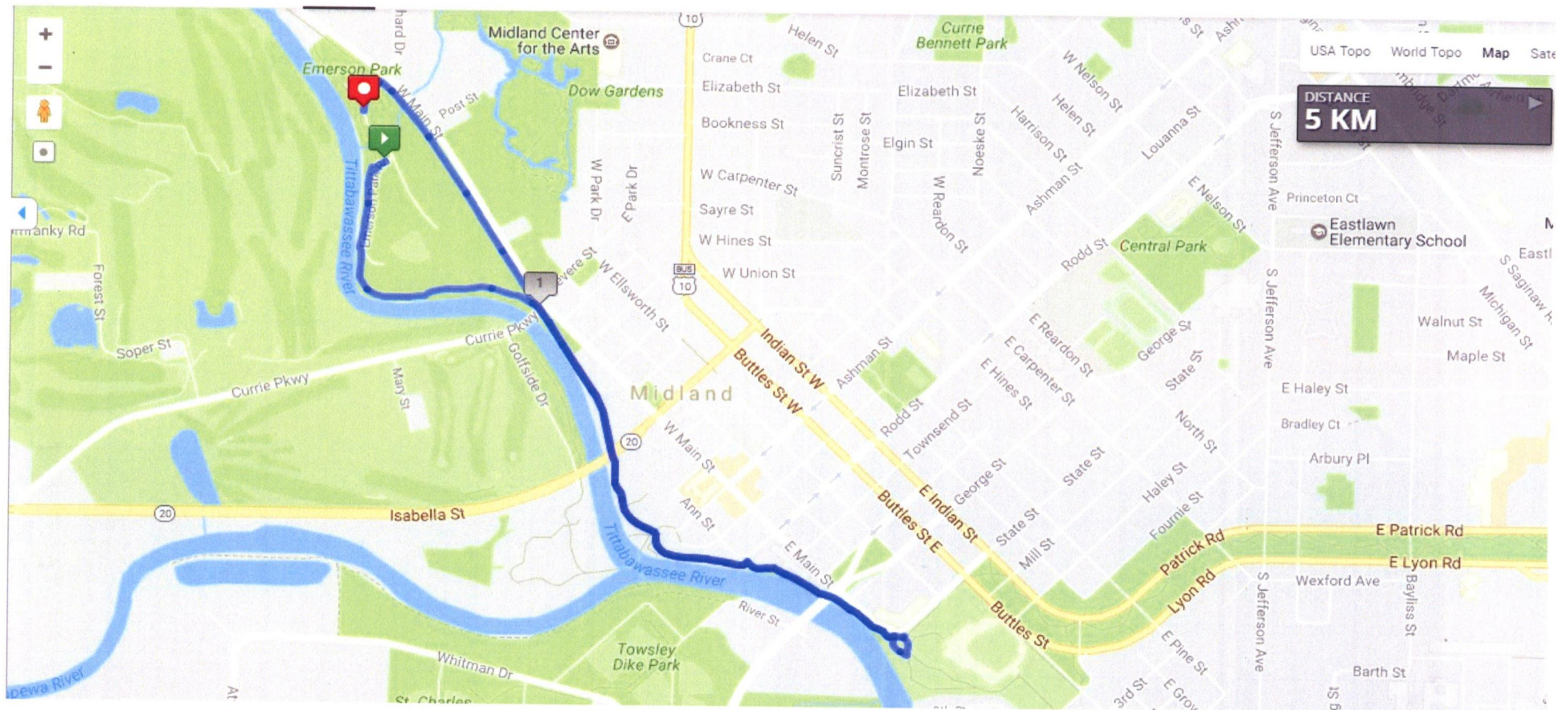
*Field not completed.*

Equipment rental fees must be paid in advance of event. The organization representative may receive an invoice for additional City services after completion of the event based on the final utilization of staff and resources. Please be aware that other elements of your event may require additional approval.

A map, sketch of event layout, race route or other map must be included with this application.

[Potential Route 2.jpg](#)







*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

BY COUNCILMAN

RESOLVED, that the request from Hannah Twardy to conduct a Hike for Hearing 5k on Sunday, April 2, 2017, utilizing the public right-of-way, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Hannah Twardy, 616-824-6358.
- It is suggested the organizer have an alternative start/end point in the event there is any spring flooding that closes Emerson Park.
- If there are plans to use a park pavilion or put up a tent for the start/end point, organizer needs to call the Parks Office at 837-6930.
- The restrooms at Emerson Park will NOT be open for the season by April 2. If the organizer feels restrooms are needed, they will have to arrange to have a porta-jon brought in.
- Use of the Rail Trail is non-exclusive and **no markings of any type** (i.e., paint, spray paint, spray chalk, chalk, etc.) are permitted on the trail route surfaces.
- Participants must remain on the Rail Trail and obey all traffic laws and traffic control devices as well as the Rail Trail Etiquette/Rules attached.
- Trail must be cleaned up afterwards to remove any litter.
- Engineering will write Traffic Control Order for road closures.
- Department of Public Services will provide barricades per appropriate traffic control order issued by City Engineering.
- Event volunteers must monitor the intersections and move barricades for cars and passage of emergency vehicles as needed, when runners are not present. Two weeks prior to the event, organizer shall meet with City Right-of-Way Inspector, Tom Hoblet (837-3355) for awareness training.
- The Police Department will monitor the event on regular patrol.

; and



RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided it is conducted in substantially the same manner.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

---

Selina Tisdale, City Clerk

## **Bike/Walk Midland: Rail Trail Etiquette**

At nearly every road crossing along the Pere Marquette Rail-Trail there is a list of proper use: Rail Trail Etiquette. The list is as follows:

- Keep right except to pass
- Alert others when passing by using voice or bell
- Yield to slower traffic
- Always travel at safe speeds
- Don't block the trail
- Dogs must be on a leash
- Please help keep the trail clean

Experience shows that if everyone followed these guidelines there would be few user conflicts and trail use would be enjoyable for all. Unfortunately not everyone does and problems result.

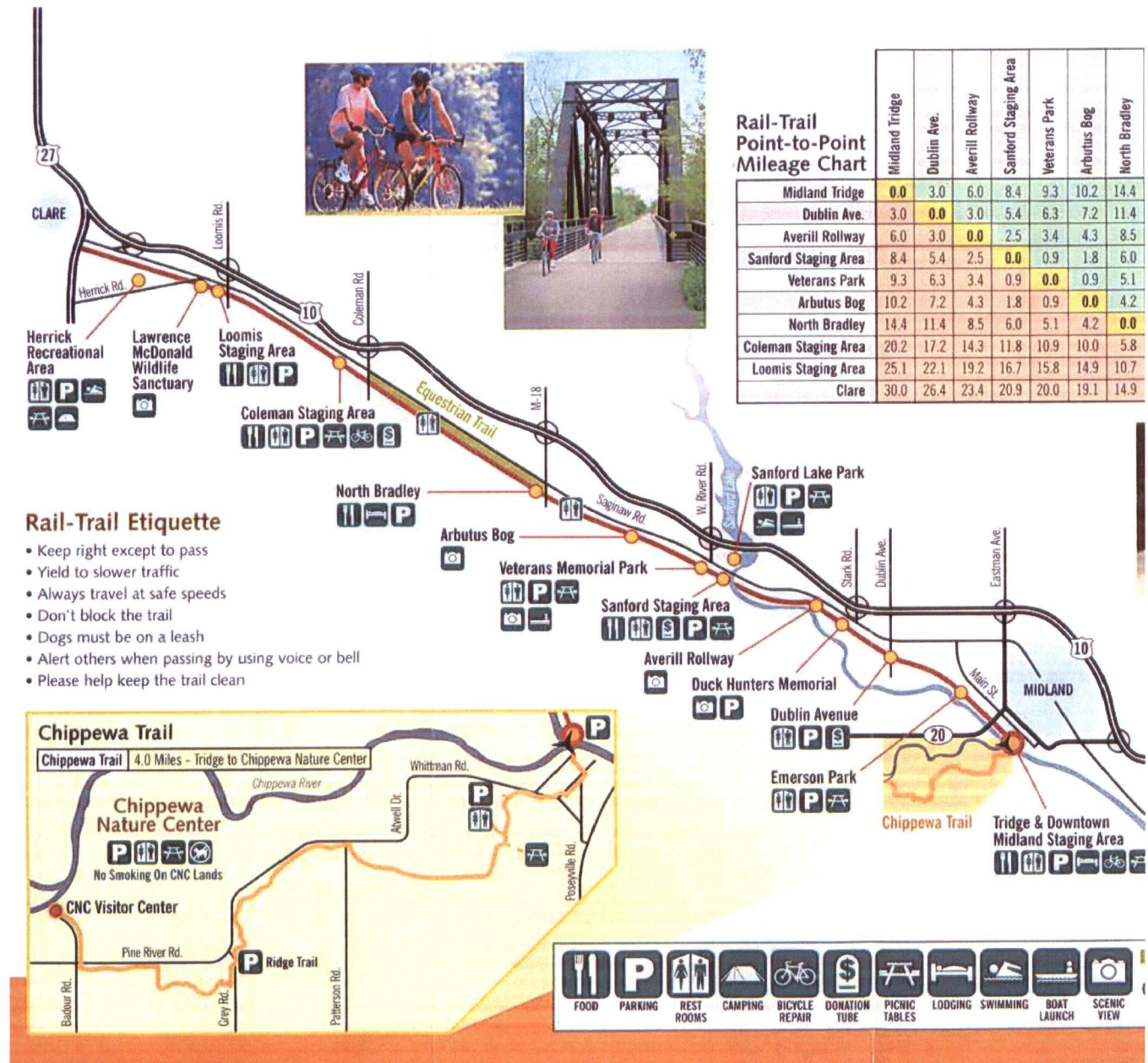
Some examples:

- Bicyclists not moving far left when passing walkers or in-line skaters
- Users not moving right when alerted to a passing bicyclist or seeing someone coming in the other direction
- Trail users not staying as far to the right as possible, sometimes even staying left and going against traffic
- People stopping at intersections and on bridges and blocking the narrowest parts of the trail
- Bicyclists not announcing that they are passing
- Headphone users who cannot hear when a passing bicyclist gives warning
- Dogs not on a leash or walking on the opposite side of the trail from their owner (with the leash "clothes-lined" across the path)
- Dog owners not cleaning up after their pets

The fix for most of these problems is simple common sense and maybe even stopping to read that list on the back of the signs at the road crossings. It's easy to get lost in your thoughts on a quiet stretch of the trail but everyone needs to remember that there are other users coming along all the time. While it may seem idyllic and isolated, in some ways the trail is like any other highway, and all users need to be alert, courteous, and cautious.

When everyone follows the rules, everyone can get along.

For more information: <http://www.midland-mi.org/government/departments/planning/Planning/NMTCommittee.htm>



[BACK to PMRT HOME](#)

**Backup material for agenda item:**

9.       \* Contracts and purchase of materials for Renovation Work on the Tridge.  
MURPHY

SUMMARY REPORT TO MANAGER

**For City Council Meeting of March 13, 2017**

**SUBJECT:** Authorize contracts and purchase of materials for renovation work on the Tridge

**INITIATED BY:** Department of Public Services

**RESOLUTION SUMMARY:**

- 1) Waives bids in accord with Section 2-20 of the Code of Ordinances;
- 2) Authorizes the City Attorney to prepare and execute contracts with Precision Iceblast Corporation of Peshtigo, Wisconsin; JR Heineman & Sons, Inc. of Saginaw, Michigan; and Pyramid Control, Inc. of Midland, Michigan;
- 3) Authorizes staff to purchase materials from Western Wood Structures, Inc. of Tualatin, Oregon and Sentinel Structures, Inc. of Peshtigo, Wisconsin for renovation work on the Tridge.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

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Karen Murphy  
Director of Public Services



March 6, 2017

Jon Lynch  
City Manager  
Midland, MI

RE: Authorize contracts and purchase of materials for renovation work on the Tridge

On February 13, City Council accepted a very generous gift from the Rollin M. Gerstacker Foundation to complete major renovations to the Tridge and set a public hearing to amend the City's budget for the project. The Gerstacker gift, coupled with spendable funds available in the Tridge Endowed Maintenance Fund held at the Midland Area Community Foundation (MACF), provides for a total budget of \$2,738,080 available for the renovations.

The funding for the project will be held and managed directly by the MACF, with City staff managing the work flow component of the project. It was originally thought that the funds would be transferred to the City, which would have required amending the City's budget through a public hearing process. Since the funds will remain at the MACF with expenses paid direct from the fund, there is no need to amend the City's budget and therefore a public hearing is not necessary.

To outline the scope of work presently needed to keep the structure in good repair, the City consulted with the chief engineer at Western Wood Structures of Tualatin, Oregon, a renowned expert in glue-laminated timber bridge construction. The City received a report prioritizing the current major maintenance needs to extend the life of the Tridge by several decades. The key recommendations for work to be done include the following:

1. Removal of the water-based stain and application of an oil-based penetrating stain.
2. Treatment of openings in the wood with preservative.
3. Installation of sheet metal flashing on the top of the arches to divert water.
4. Replacement of the wood decking.
5. Replacement of the upright glue-laminated railing members due to rot.
6. Replacement of certain overhead cross member timbers due to rot.
7. Replacement of the old lighting system with LED lights.

The engineer who reviewed the Tridge emphasized that the most critical component of the renovation will be getting the old water-based stain removed and retreating the wood with an oil-based product that will help prevent future water damage. The City asked Western Wood Structures for recommendations to find a company well-versed in refinishing timber bridges. Precision Iceblast Corporation (PIC) of Peshtigo, Wisconsin came highly recommended for their work on refinishing both timber bridges and delicate

Jon Lynch  
Page Two  
March 6, 2017

historic structures. Staff reviewed references and projects completed by PIC and were impressed with their level of detail and care given to preserve the underlying structures while completing their refinish work. A representative from PIC met staff on site to do a thorough review of the necessary work on the Tridge and provided the City with a not to exceed cost of \$1,326,870 for items 1 and 2 (see above) using a dry ice blasting method that will not damage the underlying wood.

Likewise, the City sought out recommendations on a general construction company with expertise on timber bridges, and among the list of qualified contractors was JR Heineman & Sons, Inc. of Saginaw, Michigan. The City has very recent experience with this company for their work performed on the Currie Parkway bridge. JR Heineman came in as the low bid for the blasting and repainting of the main vehicle bridge, and was also the low bid for reconstruction of the pedestrian walkway attached to the bridge. City staff were very pleased with the professionalism and quality of the work on both projects, as well as the timeliness of the projects.

Another key factor in choosing JR Heineman is their proximity to Midland and their ability to coordinate their schedule with the blasting contractor. In order to move the project along in a timely fashion, the general contractor and the blasting contractor will be working hand in hand to remove and replace deck and railing components as the blasting and staining progresses. JR Heineman proved very reliable and timely in their work on the pedestrian walkway project this past summer, as they had to coordinate schedules with the railing installation company and this went off without a hitch. As such, City staff met with JR Heineman's representatives on site to review the scope of work needed on the Tridge and requested a cost from JR Heineman to provide items 3-6 on the list above, which came in at a not to exceed amount of \$1,033,650. The lead representative for JR Heineman has worked on the Tridge in the past and has a good working knowledge of the structure which will be beneficial to the project as well.

The last key item involved in the renovation is replacement of the aging lighting and electrical system on the arches of the Tridge. City electricians from the Signals shop were consulted for their opinion, and they recommended replacing the aging lights with an LED system. The electricians are working with Pyramid Control, Inc. of Midland, Michigan on a proposed color-changing LED lighting system that will replace the arch lights while reusing the security lights that shine down onto the walking surface, as these fixtures were installed only a few years ago. Finding options for appropriate LED lighting is proving to be a bit of a challenge, so at this point we have secured a proposal from Pyramid Control to remove the existing lights, electrical wiring and conduit so that the blasting and staining operation can commence. Council approval for purchase and installation of the new LED light system will be sought at a later date once staff has completed their research on the options available and are ready to make a solid recommendation. The cost provided by Pyramid Control for removal of the lighting and electrical system came in at \$46,062.

Jon Lynch  
Page Three  
March 6, 2017

In the interest of keeping the project costs down, the City is planning to order the glue-laminated timber supplies direct from the manufacturer. As such, staff sought quotes from two different manufacturers on the materials needed to replace the Tridge decking, the upright railing posts and the cross member beams. Staff is proposing to purchase the decking materials from Western Wood Structures, Inc. of Tualatin, Oregon at a cost of \$115,700, and the railing material and cross members from Sentinel Structures, Inc. of Peshtigo, Wisconsin at a cost not to exceed \$66,506. The exact amount of railing and cross members that will be needed for the project is still under review by staff and JR Heineman. The current quote is based on a unit price for the worst case scenario where all the railing would need replacement. Staff will only authorize replacement of those sections of railing that are showing rot and are in need of replacement. As such, staff anticipates the total cost to come in under the amount of the cost estimate provided here.

The proposed project schedule has work commencing in April, depending on weather and river conditions. River levels need to be fairly stable for the placement of barges into the water that will provide the necessary work platforms, so the start date will depend on the status of spring flooding. The project is anticipated to take 22 weeks to complete with crews working 60 hours per week. In order to get the project complete this construction season, it is imperative that contracts be awarded now so that material orders can be placed and a production schedule can be solidified with each vendor.

With the funds being held and managed by the MACF, the City will enter into contracts with each of the three contractors who will be providing labor services, with the contracts structured such that all work must first be approved by City staff with subsequent invoices forwarded to MACF for payment. City staff will keep detailed records as invoices are submitted for payment to ensure the project stays within budget, and will work with the MACF on withholding appropriate retainage amounts as specified in each contract. Likewise, City staff will place the orders for the materials needed for the project and MACF will pay the vendors' invoices directly from the project fund.

We are asking City Council, in accord with Section 2-20 of the Code of Ordinances, to waive competitive bids on this project, which is being funded entirely through local foundation funding. We are further asking Council to authorize the City Attorney to approve and execute contracts with the three selected contractors for labor services, Precision Iceblast Corporation of Peshtigo, Wisconsin; JR Heineman & Sons, Inc. of Saginaw, Michigan; and Pyramid Control, Inc. of Midland, Michigan. In addition, we are asking Council to authorize staff to purchase materials for the project from Western Wood Structures Inc. of Tualatin, Oregon and Sentinel Structures, Inc. of Peshtigo, Wisconsin. All invoices for the work and materials will be directed to the MACF for payment; therefore, City purchase orders are not required for this project.

Respectfully Submitted,

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Karen Murphy  
Director of Public Services

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Tiffany Jurgess  
Interim Assistant Controller



## BY COUNCILMAN

WHEREAS, City Council accepted a very generous gift from the Rollin M. Gerstacker Foundation at their February 13 meeting to make renovations to the Tridge; and

WHEREAS, the City sought out an engineering firm with expertise in glue-laminated timber bridges to provide a list of key improvements that are needed at this time to extend the life of the Tridge; and

WHEREAS, City staff gathered cost estimates for the work from reputable companies in the timber bridge industry and estimate the total project to cost approximately \$2,700,000; and

WHEREAS, funding for the project is comprised of \$2,500,000 donated by the Rollin M. Gerstacker Foundation and \$238,080 in spendable funds from the Tridge Endowed Maintenance fund held at the Midland Area Community Foundation (MACF); and

WHEREAS, funding for the project will be held and managed by MACF, with City staff managing the work flow component of the project including approval of all invoices prior to payment by MACF; and

WHEREAS, Section 2-20 of the Code of Ordinances allows City Council to waive competitive bids for projects which utilize funds donated to the City; now therefore

RESOLVED, that the City Council waives competitive bids for the Tridge renovation project and authorizes the City Attorney to approve and execute contracts with the three selected contractors for labor services - Precision Iceblast Corporation of Peshtigo, Wisconsin; JR Heineman & Sons, Inc. of Saginaw, Michigan; and Pyramid Control, Inc. of Midland, Michigan; and

RESOLVED FURTHER, that City Council authorizes staff to purchase materials for the project from Western Wood Structures Inc. of Tualatin, Oregon and Sentinel Structures, Inc. of Peshtigo, Wisconsin.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a     yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

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Selina Tisdale, City Clerk

T: Tridge renovation project – approve contracts 3-13-17

**Backup material for agenda item:**

10. \* Street Tree Replacement Program. MURPHY

SUMMARY REPORT TO MANAGER  
For City Council Meeting of March 13, 2017

**SUBJECT:** Street tree replacement program

**INITIATED BY:** Department of Public Services – Parks and Recreation

**RESOLUTION SUMMARY:** This resolution authorizes a purchase order to Bay Landscaping of Essexville, Michigan in an amount not to exceed \$47,500 for the planting of trees in the city rights-of-way.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Bid Tabulation
3. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

---

Karen Murphy  
Director of Public Services

February 24, 2017

Jon Lynch  
City Manager  
Midland, MI

RE: Street tree replacement program

In the past, the forestry department has been responsible for planting new street trees in the rights-of-way to replace trees that have been removed for health or safety reasons. With the forestry crew playing an integral role in combating the emerald ash borer this past year, the work load in forestry has increased significantly. In order to complete all the work, it has been necessary to supplement the in-house forestry crew with contracted forestry services. The parks supervisors have found it to be more efficient to use the in-house crew for tree removals and pruning, and use contracted labor for stump removals and tree planting.

On Tuesday, February 14, 2017, sealed proposals were publicly opened and read by the Interim Assistant Controller for Bid No. 3847 “2017 Spring Street Tree Planting”. This bid provides for the planting of two-inch caliper trees in the street outlaws to replace trees that have been removed, and includes a three-year watering and warranty contract. The low bid came from Bay Landscaping of Essexville, Michigan. The City has worked with this vendor in the past on several park tree and landscaping projects as well as outlawn tree planting, and the parks supervisors have been very pleased with the quality of the trees planted as well as the service offered by Bay Landscaping.

The budget for nursery stock trees was \$20,000 annually until 2008 when that budget was reduced to \$5,000. The budget has remained at this low level since that time, and as a result a backlog of tree planting locations has accumulated. While the Emerald Ash Borer project has done a fair job with replacing ash trees that have been removed, many other trees have been removed across town that are not ash and the budget has not supported replacement of these trees on a one-for-one basis. As such, City Council approved \$60,000 in this year’s forestry budget to help us get caught up on tree planting in these areas where trees have been removed but not replaced. Some of these funds were used toward the fall tree planting program, with a balance of \$47,500 remaining for the spring planting. This will provide funds for the planting of approximately 160 outlawn trees this year.

We recommend that City Council accept the low bid presented by Bay Landscaping of Essexville, Michigan and a purchase order not to exceed \$47,500 to Bay Landscaping for planting replacement trees in the city rights-of way be authorized.

Respectfully submitted,

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Karen Murphy, Director of Public Services

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Tiffany Jurgess, Interim Assistant Controller

**CITY OF MIDLAND**  
**BID NO. 3847**  
**2017 SPRING STREET TREE PLANTING**  
**February 14, 2017**

QTY	DESCRIPTION	Bay Landscaping Essexville, MI	Garpiel Group Saginaw, MI	Agroscaping Swartz Creek, MI	Sexton Landscape Shelby Twp	Tri Valley Constr. Saginaw, MI	Reder Landscaping Midland, MI
	Large species	\$305.00	\$325.00	\$355.00	\$424.00	\$480.00	\$567.00
	Medium species	\$285.00	\$305.00	\$345.00	\$424.00	\$425.00	\$546.00
	Utility species	\$290.00	\$275.00	\$335.00	\$364.00	\$365.00	\$507.00
	Small species	\$265.00	\$250.00	\$335.00	\$364.00	\$325.00	\$507.00
	<b>TOTAL BID</b>	<b>\$1,145.00</b>	<b>\$1,155.00</b>	<b>\$1,370.00</b>	<b>\$1,576.00</b>	<b>\$1,595.00</b>	<b>\$2,127.00</b>



BY COUNCILMAN

WHEREAS, sealed proposals were advertised and received in accordance with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 3847, “2017 Spring Street Tree Planting”; and

WHEREAS, the low bidder, Bay Landscaping of Essexville, Michigan has provided landscaping and tree planting services to the City in the past with good results; and

WHEREAS, adequate funding for the planting of replacement outlawn trees is included in the FY 2016-2017 Forestry budget; now therefore

RESOLVED, that the Interim Assistant Controller is authorized to issue a purchase order to Bay Landscaping of Essexville, Michigan not to exceed \$47,500 for the planting of replacement trees in the city rights-of-way in accordance with the proposal and City specifications.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a      yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

11.     \* Slide-in Salter Body for existing City unit 3-38. MURPHY



**SUMMARY REPORT TO MANAGER**  
**For City Council Meeting of March 13, 2017**

**SUBJECT:** Purchase of a Slide-in Salter Body

**INITIATED BY:** Department of Public Services

**RESOLUTION SUMMARY:** This resolution authorizes a purchase order in the amount of \$43,200.00 to Truck and Trailer Specialties of Dutton, MI for the purchase of one slide-in salter body for existing City unit 3-38.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

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Karen Murphy  
Director of Public Services

February 24, 2017

Jon Lynch  
City Manager  
Midland, Michigan

RE: Purchase of a slide-in salter body

The Department of Public Services has traditionally used single axle dump trucks for snow removal and salting throughout Midland's 36 square miles. Each truck is equipped with an underbody scraper for plowing and a salt spreader for ice control. Some of these trucks spend the off season parked at the Service Center as the specialized snow/ice trucks are not a good fit for non-winter uses. In addition, Public Services has different single axle dump trucks with high-capacity dump bodies that are used in the heavy item collection program. Rather than continue to purchase trucks specific to snow/ice control and heavy item collection, the City purchased a larger tandem axle truck in 2015 that can be used for both heavy item collection and for snow/ice removal. Unit #3-38 was outfitted at the time with a plow, underbody scraper, side wing plow and a high-capacity dump body. This truck has proven to work great for both heavy item collection and snow removal, but would be made more effective in winter operations if it had the capacity to apply salt to the roadway. This can be accomplished by adding a slide-in salter unit, which could be removed for non-winter operations. Adding salt spreading functionality to unit 3-38 would eliminate the need for another salt/plow truck to follow behind to apply deicing material, thereby making the operation more efficient as the truck that is currently following up with salt could be assigned to a different route during inclement weather.

On June 26, 2013, the City of Rochester Hills issued RFP-RH-13-030, a Request for Proposal (RFP) for Single and Tandem Axle Dump Trucks, Parts, and Related Equipment on behalf of the City of Auburn Hills, City of Farmington Hills, City of Madison Heights, City of Midland, City of Rochester Hills, City of St. Clair Shores, City of Troy and City of Warren. Proposals were opened and publicly read on July 23, 2013, and the low bid meeting the terms of the RFP for purchase and installation of Snow and Ice control equipment was from Monroe Truck Equipment through their local dealer, Truck and Trailer Specialists of Dutton, MI. Monroe Truck Equipment has authorized their local dealers to extend these prices to the City of Midland on like equipment for the current model year through November of 2018.

Jon Lynch  
Page Two  
February 24, 2017

Sufficient funding is available in the FY 2016-17 Equipment Revolving Fund Capital Outlay – Vehicles account for the purchase of one slide-in salter body. We recommend that the Interim Assistant Controller be authorized to issue a purchase order to Truck and Trailer Specialties of Dutton, MI in the amount of \$43,200.00 for the purchase of a slide-in salter body.

Respectfully Submitted,

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Karen Murphy  
Director of Public Services

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Tiffany Jurgess  
Interim Assistant Controller

BY COUNCILMAN

WHEREAS, the City owns a tandem axle dump truck (unit 3-38) equipped for snow removal but lacking the mechanism to apply salt to the roadway; and

WHEREAS, purchasing a slide-in salting body would make the truck more efficient for winter operations by eliminating the need for a second truck to follow with deicing materials on board; and

WHEREAS, competitive bids for snow/ice control trucks and associated deicing equipment were solicited by the City of Rochester Hills, Michigan on behalf of several Michigan municipalities including the City of Midland with pricing effective through November 2018; and

WHEREAS, sufficient funding for the purchase of a slide-in salting body to be used in existing City unit 3-38 for winter operations is included in the FY 2016-2017 Equipment Revolving Fund budget for Capital Outlay - Vehicles; and

WHEREAS, the net low bid meeting specifications for a slide-in salting body compatible with unit 3-38 was offered by Truck and Trailer Specialties of Dutton, MI; now therefore

RESOLVED, that the Interim Assistant Controller is authorized to issue a purchase order to Truck and Trailer Specialties of Dutton, Michigan in the amount of \$43,200.00 for the purchase of one slide-in salter body and installation, all in accordance with the Rochester Hills bid contract.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

12.     \* Small Dump Truck with front mount snow plow. MURPHY

SUMMARY REPORT TO MANAGER

**For City Council Meeting of March 13, 2017**

**SUBJECT:** Purchase of a small dump truck

**INITIATED BY:** Department of Public Services

**RESOLUTION SUMMARY:** This resolution authorizes the following purchase orders based on pricing from the Macomb County and the State of Michigan Extended Purchasing Programs:

- Signature Ford of Owosso, Michigan, in the amount of \$29,744.00 for the purchase of one 4x4 truck chassis
- Knapheide Truck Equipment of Flint, Michigan, in the amount of \$22,794.00 for the purchase of one stainless steel dump box and snow plow unit.

**ITEMS ATTACHED:**

1. Transmittal letter to City Manager
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

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Karen Murphy  
Director of Public Services

February 24, 2017

Jon Lynch  
City Manager  
Midland, Michigan

RE: Purchase of a small dump truck with front snow plow

The State of Michigan and Macomb County Extended Purchasing Programs both solicit vehicle and truck equipment bids on an annual basis. Automobile and equipment dealerships statewide, including local dealerships, are eligible to submit bids through this program. Staff experience has shown that the bid prices from the State of Michigan's and Macomb County Extended Purchasing Program bids are lower than what could be solicited locally, and the City of Midland is authorized to make purchases through these two purchasing programs.

Each year, the Fleet Manager along with the Vehicle Maintenance Supervisor re-evaluate the condition, mileage, utilization and maintenance cost of every vehicle in the fleet to determine whether it is cost-effective to keep the vehicle in the fleet for an additional period of time or if the vehicle needs to be replaced. Through this process, one Ford pickup was identified as meeting the criteria for replacement. Unit #256 is a 2006 model that has high mileage and is in poor physical condition. Funding for the replacement of this truck is included in the FY 2016-17 Equipment Revolving Fund's Capital Outlay budget.

The recommended replacement vehicle is a 4x4 truck with a dump body and a front mount snow plow. This unit will provide a better option for hauling material during Parks' busy summer and fall seasons, and will serve as a frontline plow truck for parking lot snow removal during the winter season. In addition to being better suited for the work, the initial purchase price for the 4x4 truck is approximately \$15,000 less than the one-ton tilt cab style truck the City currently uses for winter plowing. One of these vehicles was purchased as a replacement unit for the tilt-cab truck in the past and staff was very pleased with its performance.

The 4x4 truck with dump body requires that the City purchase the truck cab and chassis from a truck dealer and purchase the dump body and snow plow from a truck equipment vendor who installs the equipment on the chassis, so two separate purchases are required. The low bids from the State of Michigan and Macomb County Extended Purchasing Programs came in as follows:

Jon Lynch  
Page Two  
February 24, 2017

<i>Vehicle Type</i>	<i>Vendor</i>	<i>Unit Cost</i>
4x4 Truck Chassis	Signature Ford, Owosso, MI	\$29,744.00
Truck Equipment and Installation	Knapheide Truck Equipment, Flint, MI	\$22,794.00

Sufficient funds have been budgeted in the Equipment Revolving Fund's Capital Outlay account for this vehicle. Therefore, we recommend that the City's Interim Assistant Controller be authorized to issue purchase orders to Macomb County's selected vendor, Signature Ford of Owosso, Michigan, in the amount of \$29,744.00 for the purchase of one 4x4 truck cab and chassis, and to the State of Michigan's selected vendor, Knapheide Truck Equipment of Flint, Michigan, in the amount of \$22,794.00 for the purchase of the associated truck equipment and installation.

Respectfully submitted,

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Karen Murphy  
Director of Public Services

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Tiffany Jurgess  
Interim Assistant Controller



## BY COUNCILMAN

WHEREAS, bids for vehicles and truck equipment are solicited by the State of Michigan and Macomb County annually, and the City of Midland is authorized to make purchases from these extended purchasing programs; and

WHEREAS, sufficient funding for the purchase of one small dump truck with a front mount snow plow to replace an aging unit is included in the FY 2016-17 Equipment Revolving Fund budget for Capital Outlay, Vehicles; now therefore

RESOLVED, that the Interim Assistant Controller is authorized to issue a purchase order to Macomb County's selected vendor, Signature Ford of Owosso, Michigan, in the amount of \$29,744.00 for the purchase of one 4x4 truck cab and chassis, and to Knapheide Truck Equipment of Flint, Michigan, in the amount of \$22,794.00 for the purchase of the associated truck equipment and installation, all in accordance with Macomb County and the State of Michigan Extended Purchasing Programs proposals and specifications.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

---

Selina Tisdale, City Clerk

**Backup material for agenda item:**

13. \* Park Mowing Services. MURPHY

SUMMARY REPORT TO MANAGER  
For City Council Meeting of March 13, 2017

**SUBJECT:** Park Mowing Services

**INITIATED BY:** Department of Public Services

**RESOLUTION SUMMARY:** This resolution authorizes a purchase order to Total Lawn Care of Otter Lake, MI in the amount of \$9,258 for the remainder of fiscal year 2016-17 for park mowing services, and an additional purchase order in the amount of \$23,143 for the months of July through November 2017, provided that funds are appropriated in the fiscal year 2017-18 Parks budget.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to pass resolution

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Karen Murphy  
Director of Public Services



March 1, 2017

Jon Lynch  
City Manager  
Midland, MI

RE: Purchase of Mowing Services

On Tuesday, February 14, 2017, sealed proposals were publicly opened and read by the Interim Assistant Controller for Bid No. 3846 “2017 Mowing Season”.

The park mowing services provided under this bid are for various park areas which, because of size, location and other obstacles, can be mowed more economically by a contractor than City staff. The bid included mowing services for one season with an option to extend the bid for an additional two years if staff is satisfied with the services provided by the selected contractor. Bids were received as follows:

<b>Mowing of Specified 85 Acres of Park Areas</b>	<b>Amount</b>
Total Lawn Care, Otter Lake, MI	\$32,400
Lawns & Mower LLC, Midland, MI	\$38,000
Absolute Landscaping, Saginaw, MI	\$91,600
Great Lakes Hydroseeding, Bay City, MI	\$92,225
Tri Valley Construction, Saginaw, MI	\$126,600
Garpiel Group LLC, Saginaw, MI	\$181,800

The low bidder was Total Lawn Care of Otter Lake, Michigan for a lump sum amount of \$32,400. Since this bidder has not provided services to the City of Midland in the past, the Park Supervisor discussed the bid specifications in length with the contractor, verified that the contractor had made site visits to some of the park properties to clearly understand the scope of the work, and contacted references provided by the contractor. The references contacted all spoke highly of Total Lawn Care’s work and level of customer service, and the contractor assured the Park Supervisor that they understood the scope of work and expectations of the bid.

We therefore recommend that City Council accept the low bid offered by Total Lawn Care of Otter Lake, Michigan and authorize the Interim City Controller to issue purchase orders to Total Lawn Care for the 2017 mowing season.

Jon Lynch  
Page Two  
March 1, 2017

**\*\*NOTE:** The bid specifies equal payments over the 7 month mowing season, so the monthly amount due to Total Lawn Care based on their proposal will be \$4,628.57. The amount of the associated purchase orders have been rounded up to the nearest dollar to accommodate for this; therefore, the two purchase orders requested total \$1 more than the actual bid price of \$32,400.

Respectfully submitted,

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Karen Murphy  
Director of Public Services

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Tiffany Jurgess  
Interim Assistant Controller



BY COUNCILMAN

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for furnishing mowing services for various park properties within the City of Midland; and

WHEREAS, the bid period covers a one year period with an option to extend the bid for an additional two years if staff are satisfied with the results, and while sufficient funds have been appropriated for fiscal year 2016-17, extension of the bid is dependent on future funds being appropriated; now therefore

RESOLVED, that the Interim Assistant Controller is hereby authorized to issue a purchase order to Total Lawn Care of Otter Lake, Michigan in the amount of \$9,258 for the purchase of park mowing services for the remainder of fiscal year 2016-17; and

RESOLVED FURTHER, that the Interim Assistant Controller is authorized to issue a purchase order in the amount of \$23,143 for the months of July through November 2017, provided that funds are appropriated in the fiscal year 2017-18 Parks budget.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a      yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

14. \* E10 Ethanol Blend Unleaded Fuel purchase from February 15 (4/5 vote required). MURPHY

**SUMMARY REPORT TO MANAGER**  
**For City Council Meeting of March 13, 2017**

**SUBJECT:** Approve Fuel Purchase from February 15, 2017

**RESOLUTION SUMMARY:** This resolution waives the requirement for sealed proposals and approves the purchase of 13,400 gallons of E10 ethanol blend unleaded fuel from Super Flite Oil for \$20,495.30 that was executed by the Interim Assistant Controller on February 15, 2017.

**ITEMS ATTACHED:**

1. Transmittal letter to City Manager
2. Resolution

**CITY COUNCIL ACTION:**

1. 4/5 vote required to approve resolution

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Karen Murphy  
Director of Public Services

MMR





# Midland

Department of Public Services ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640 ♦ 989.837.6900 ♦ 989.835.5651 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

March 6, 2017

Jon Lynch  
City Manager  
Midland, Michigan

RE: Approve fuel purchase made on February 15, 2017

At their December 17, 2007 meeting, City Council adopted a resolution that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next available Council meeting. Fuel is ordered on an as needed basis to maintain an adequate supply to meet the demand of the city fleet as well as to keep a reserve on hand to cover any unanticipated increase in usage. This process was reviewed by City Council on December 21, 2009 and is still deemed to provide significant cost savings to the City.

Fuel is purchased through a competitive bid process whereby the Interim Assistant Controller faxes out a request for a price per gallon for unleaded and/or diesel fuel to a list of fuel suppliers. Interested suppliers fax back their prices the following morning. Due to the volatility of the fuel market, pricing is only valid for the remainder of that day. The fuel purchase is awarded to the lowest price supplier, and the fuel delivery is scheduled for that same day.

It should be noted that approval of fuel purchases will require a 4/5 vote due to the need to waive the requirement for sealed proposals as a result of the above-described bidding process.

Bids were received using this process on February 15, 2017 for 13,400 gallons of E10 ethanol blend unleaded fuel. Bids were received as follows:

Super Flite Oil, Saginaw, MI	E10 Ethanol Blend Unleaded Fuel	\$1.5295/gallon
Duncan Oil, Beaver Creek, OH	E10 Ethanol Blend Unleaded Fuel	\$1.5579/gallon

The low bid was received from Super Flite Oil of Saginaw, Michigan, with a price of \$1.5295 per gallon. The unit price includes the delivery charge, and the total purchase price was \$20,495.30 for 13,400 gallons of fuel delivered.

We are requesting that Council waive the requirements for sealed bids, and approve the purchase of 13,400 gallons of E10 ethanol blend unleaded fuel from Super Flite Oil for \$20,495.30 that was executed by the Interim Assistant Controller on February 15, 2017.

Respectfully submitted,

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Karen Murphy  
Director of Public Services  
MMR

---

Tiffany Jurgess  
Interim Assistant Controller



BY COUNCILMAN

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next City Council meeting; and

WHEREAS, City Council reviewed the process on December 21, 2009 and decided to continue as it still provides a significant cost savings to the City; and

WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and

WHEREAS, staff instead uses a competitive bid process whereby fuel vendors fax in prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore

RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and

RESOLVED FURTHER, that the purchase of 13,400 gallons of E10 ethanol blend unleaded fuel from Super Flite Oil of Saginaw, Michigan for \$20,495.30 executed by the Interim Assistant Controller on February 15, 2017, is hereby approved.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a      yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

15. \* Winter Blend Diesel Fuel purchase from February 23 (4/5 vote required).  
MURPHY

**SUMMARY REPORT TO MANAGER**  
**For City Council Meeting of March 13, 2017**

**SUBJECT:** Approve Fuel Purchase from February 23, 2017

**RESOLUTION SUMMARY:** This resolution waives the requirement for sealed proposals and approves the purchase of 12,000 gallons of Winter Blend diesel fuel from Tri-Lakes Petroleum for \$20,130 that was executed by the Interim Assistant Controller on February 23, 2017.

**ITEMS ATTACHED:**

1. Transmittal letter to City Manager
2. Resolution

**CITY COUNCIL ACTION:**

1. 4/5 vote required to approve resolution

---

Karen Murphy  
Director of Public Services

MMR



# Midland

Department of Public Services ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640 ♦ 989.837.6900 ♦ 989.835.5651 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

March 6, 2017

Jon Lynch  
City Manager  
Midland, Michigan

RE: Approve fuel purchase made on February 23, 2017

At their December 17, 2007 meeting, City Council adopted a resolution that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next available Council meeting. Fuel is ordered on an as needed basis to maintain an adequate supply to meet the demand of the city fleet as well as to keep a reserve on hand to cover any unanticipated increase in usage. This process was reviewed by City Council on December 21, 2009 and is still deemed to provide significant cost savings to the City.

Fuel is purchased through a competitive bid process whereby the Interim Assistant Controller faxes out a request for a price per gallon for unleaded and/or diesel fuel to a list of fuel suppliers. Interested suppliers fax back their prices the following morning. Due to the volatility of the fuel market, pricing is only valid for the remainder of that day. The fuel purchase is awarded to the lowest price supplier, and the fuel delivery is scheduled for that same day.

It should be noted that approval of fuel purchases will require a 4/5 vote due to the need to waive the requirement for sealed proposals as a result of the above-described bidding process.

Bids were received using this process on February 23, 2017 for 12,000 gallons of Winter Blend diesel fuel. Bids were received as follows:

Tri-Lakes Petroleum, Alma, MI	Winter Blend Diesel	\$1.6775/gallon
Paxson Oil, Saginaw, MI	Winter Blend Diesel	\$1.6797/gallon
Hirschman Oil, Reese, MI	Winter Blend Diesel	\$1.6800/gallon
Super Flite Oil, Saginaw, MI	Winter Blend Diesel	\$1.6948/gallon
Duncan Oil, Beaver Creek, OH	Winter Blend Diesel	\$1.7081/gallon
Michigan Petroleum, Port Huron, MI	Winter Blend Diesel	\$1.7300/gallon

The low bid was received from Tri-Lakes Petroleum of Alma, Michigan, with a price of \$1.6775 per gallon. The unit price includes the delivery charge, and the total purchase price was \$20,130 for 12,000 gallons of fuel delivered.

We are requesting that Council waive the requirements for sealed bids, and approve the purchase of 12,000 gallons of Winter Blend diesel fuel from Tri-Lakes Petroleum for \$20,130 that was executed by the Interim Assistant Controller on February 23, 2017.

Respectfully submitted,

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Karen Murphy  
Director of Public Services  
MMR

---

Tiffany Jurgess  
Interim Assistant Controller



BY COUNCILMAN

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next City Council meeting; and

WHEREAS, City Council reviewed the process on December 21, 2009 and decided to continue as it still provides a significant cost savings to the City; and

WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and

WHEREAS, staff instead uses a competitive bid process whereby fuel vendors fax in prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore

RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and

RESOLVED FURTHER, that the purchase of 12,000 gallons of Winter Blend diesel fuel from Tri-Lakes Petroleum of Alma, Michigan for \$20,130 executed by the Interim Assistant Controller on February 23, 2017, is hereby approved.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a      yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

---

Selina Tisdale, City Clerk

**Backup material for agenda item:**

16. \* 2017 Boston & Kentwood Reconstruction and Water Main; Contract No. 08.  
MCMANUS

**SUMMARY REPORT TO THE CITY MANAGER**  
for City Council Meeting of March 13, 2017

**SUBJECT:** 2017 Boston & Kentwood Reconstruction & Water Main;  
Contract No. 08

**INITIATED BY:** City of Midland Engineering Department

**RESOLUTION SUMMARY:** This resolution authorizes the Mayor and City Clerk to execute a contract with The Isabella Corporation in the amount of \$371,793.60 for street reconstruction on Boston Street from St. Andrews to Sugnet and street reconstruction and water main replacement on Kentwood Drive from E. Ashman to Corrinne.

**ITEMS ATTACHED:** 1. Cover Letter  
2. Resolution  
3. Location Map

**CITY COUNCIL ACTION:** 3/5 vote required to approve resolution

**SUBMITTED BY:** Brian P. McManus, City Engineer





City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

March 7, 2017

Jon Lynch, City Manager  
City of Midland, Michigan

Dear Mr. Lynch:

On Tuesday, February 28, 2017 at 2:00 p.m., sealed proposals were publicly opened and read by the Interim Assistant Controller for the "2017 Boston & Kentwood Reconstruction and Water Main; Contract No. 08".

There were 4 individuals attending the opening representing contractors and the City.

Bids were received as follows:

The Isabella Corporation	Mt. Pleasant	\$371,793.60
Shaw Contracting Co.	Kawkawlin	384,773.25
Geiersbach Construction	Freeland	399,791.00
McGuirk Sand & Gravel	Mt. Pleasant	400,230.55
*Engineer's Estimate		413,000.00
Johnston Contracting	Midland	413,918.90
Eric Construction	St. Charles	480,422.50

Funding for this project is provided by the Local Street Fund and the Water Fund. This contract is for the street reconstruction on Boston Street from St. Andrews to Sugnet and street reconstruction and water main replacement on Kentwood Drive from E. Ashman to Corrinne. This project was recommended by the Engineering Department, Utilities Department and the Department of Public Services, and approved by City Council during the annual Construction Priority process.

It is our recommendation that the low bid of \$371,793.60 submitted by The Isabella Corporation of Mt. Pleasant, MI be accepted in the best interest of the City of Midland.

Respectfully submitted,

---

Brian P. McManus  
City Engineer

---

Tiffany Jurgess  
Interim Assistant Controller



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

BY COUNCILMAN

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for street reconstruction on Boston Street from St. Andrews to Sugnet and street reconstruction and water main replacement on Kentwood Drive from E. Ashman to Corrinne; and

WHEREAS, funding for this project is provided by the Local Street Fund and the Water Fund; now therefore

RESOLVED, that the low sealed proposal submitted by The Isabella Corporation of Mt. Pleasant, Michigan, for the “2017 Boston & Kentwood Reconstruction and Water Main; Contract No. 08”, in the indicated amount of \$371,793.60, based upon City estimated quantities is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$20,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

---

Selina Tisdale, City Clerk



# BOSTON RECONSTRUCTION / WATER

## ST. ANDREWS TO SUGNET



# KENTWOOD RECONSTRUCTION / WATER

## ASHMAN TO CORRINNE

**Backup material for agenda item:**

17. \* 2017 MDOT Local Agency Projects Construction Engineering Services/Project Management. MCMANUS

**SUMMARY REPORT TO THE CITY MANAGER**  
for Council Meeting of March 13, 2017

**SUBJECT:** 2017 MDOT Local Agency Projects Construction Engineering Services/Project Management

**INITIATED BY:** City of Midland Engineering Department

**RESOLUTION SUMMARY:** This resolution authorizes a purchase order to OHM Advisors from Midland, MI to perform project management and construction engineering services for the “2017 MDOT Local Agency Projects”.

**ITEMS ATTACHED:** 1. Cover Letter  
2. Resolution

**CITY COUNCIL ACTION:** 3/5 vote required to approve resolution

**SUBMITTED BY:** Brian McManus, City Engineer



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

March 7, 2017

Jon Lynch, City Manager  
City of Midland, Michigan

Dear Mr. Lynch:

We have determined a need for outside project management and construction engineering services for the “2017 MDOT Local Agency Projects Construction Engineering Services/Project Management”. This includes the construction engineering and inspection of the street reconstruction on E. Saint Andrews from Washington Street to Sugnet Road. This also includes the construction engineering and inspection of the street reconstruction on W. Wackerly Street from Sturgeon Avenue to Schade. Both of these projects are partially funded by MDOT through our participation in the Midland Area Transportation Study (MATS). These projects were approved during the 2016-17 project priority process.

Proposals were received on February 28, 2017 for qualifications and hourly rates from engineering firms to perform the requested services. The bid proposals were analyzed based on minimum required MDOT quality assurance and quality control qualifications, minimum of 5 years of related project experience and hourly rates. The firms submitting proposals are listed below:

OHM Advisors (Midland)	\$92,450.00
Rowe Professional Services (Mt. Pleasant)	\$101,000.00
Gourdie-Fraser Inc. (Traverse City)	\$101,140.00
Spicer Group, Inc. (Saginaw)	\$111,150.00
Wade Trim, Inc. (Bay City)	\$134,784.50

It is our recommendation that the proposal submitted by OHM Advisors of Midland in the amount of \$92,450.00 be accepted in the best interest of the City of Midland and that the Interim Assistant Controller be authorized to issue a purchase order.

Respectfully submitted,

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Brian P. McManus  
City Engineer

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Tiffany Jurgess  
Interim Assistant Controller



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

BY COUNCILMAN

WHEREAS, the Engineering Department has determined a need for outside project management and construction engineering services for the “2017 MDOT Local Agency Projects Construction Engineering Services/Project Management” project; and

WHEREAS, proposals were received from interested engineering firms in accordance with the City’s purchasing policy; and

WHEREAS, funding for said project is provided by the Major Street Fund; now therefore

RESOLVED, that the proposal received from OHM Advisors of Midland, Michigan is hereby accepted; and

RESOLVED FURTHER, that the City Council authorizes a purchase order in the amount of \$92,450.00 for project management and construction engineering services on the “2017 MDOT Local Agency Projects Construction Engineering Services/Project Management” based on rates provided and estimated hours; and

RESOLVED FURTHER, that the City Manager has the authority to approve any changes to the purchase order in an aggregate amount up to \$10,000.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

---

Selina Tisdale, City Clerk



**Backup material for agenda item:**

18. \* 2017 E. Meadowbrook Reconstruction & Water Main; Contract No. 07.  
MCMANUS

**SUMMARY REPORT TO THE CITY MANAGER**  
for City Council Meeting of March 13, 2017

**SUBJECT:** 2017 E. Meadowbrook Reconstruction & Water Main;  
Contract No. 07

**INITIATED BY:** City of Midland Engineering Department

**RESOLUTION SUMMARY:** This resolution authorizes the Mayor and City Clerk to execute a contract with Sova Excavating & Trucking in the amount of \$590,342.25 for the water main replacement and street reconstruction on E. Meadowbrook Drive from Jefferson Avenue to Washington Street.

**ITEMS ATTACHED:**

1. Cover Letter
2. Resolution
3. Location Map

**CITY COUNCIL ACTION:** 3/5 vote required to approve resolution

**SUBMITTED BY:** Brian P. McManus, City Engineer



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

March 7, 2017

Jon Lynch, City Manager  
City of Midland, Michigan

Dear Mr. Lynch:

On Tuesday, February 21, 2017 at 2:00 p.m., sealed proposals were publicly opened and read by the Interim Assistant Controller for the "2017 E. Meadowbrook Reconstruction and Water Main; Contract No. 07".

There were 11 individuals attending the opening representing contractors and the City.

Bids were received as follows:

Sova Excavating & Trucking, Inc.	Midland	\$590,342.25
Shaw Contracting Co.	Kawkawlin	617,340.50
*Engineer's Estimate		630,000.00
Johnston Contracting	Midland	638,865.00
Crawford Contracting	Mt. Pleasant	641,698.70
McGuirk Sand & Gravel	Mt. Pleasant	666,700.00
Geiersbach Construction	Freeland	692,920.00
Eric Construction	St. Charles	814,560.50
Tri-City Groundbreakers	Midland	817,937.50

Funding for this project is provided by the Local Street Fund and the Water Fund. This contract is for the water main replacement and street reconstruction on E. Meadowbrook Drive from Jefferson Avenue to Washington Street. This project was recommended by the Engineering Department, Utilities Department and the Department of Public Services, and approved by City Council during the annual Construction Priority process.

It is our recommendation that the low bid of \$590,342.25 submitted by Sova Excavating & Trucking, Inc. of Midland, MI be accepted in the best interest of the City of Midland.

Respectfully submitted,

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Brian P. McManus  
City Engineer

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Tiffany Jurgess  
Interim Assistant Controller



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

BY COUNCILMAN

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the water main replacement and street reconstruction on E. Meadowbrook Drive from Jefferson Avenue to Washington Street; and

WHEREAS, funding for this project is provided by the Local Street Fund and the Water Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Sova Excavating & Trucking, Inc. of Midland, Michigan, for the “2017 E. Meadowbrook Reconstruction and Water Main; Contract No. 07”, in the indicated amount of \$590,342.25, based upon City estimated quantities is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$20,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

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Selina Tisdale, City Clerk



# MEADOWBROOK RECONSTRUCTION / WATER

## JEFFERSON TO WASHINGTON

**Backup material for agenda item:**

19. \* MDOT Contract 17-5034; Reconstruction of E. Saint Andrews Road.  
MCMANUS

**SUMMARY REPORT TO THE CITY MANAGER**  
For City Council Meeting of March 13, 2017

**SUBJECT:** Michigan Department of Transportation (MDOT) Contract 17-5034

**INITIATED BY:** Brian McManus, City Engineer

**RESOLUTION SUMMARY:** This resolution authorizes the Mayor and City Clerk to execute Contract 17-5034 with MDOT regarding the reconstruction of E. Saint Andrews Road from Washington Street to E. Sugnet Road.

**ITEMS ATTACHED:**

1. Cover Letter
2. Resolution
3. Location Map

**CITY COUNCIL ACTION:** 3/5 vote required to approve resolution

**SUBMITTED BY:** Brian McManus, City Engineer



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

DATE: March 8, 2017

TO: Jon Lynch, City Manager

FROM: Brian McManus, City Engineer

RE: Reconstruction of E. Saint Andrews Road from Washington Street to E. Sugnet Road – Michigan Department of Transportation (MDOT) Contract 17-5034

E. Saint Andrews Road between Washington Street and E. Sugnet Road is a two lane major street in poor condition. Through the City participation in the Midland Area Transportation Study (MATS), federal funding is available through MDOT to cost share the reconstruction of this section of roadway.

The construction work for this project includes base crushing and shaping, hot mix asphalt resurfacing, drainage improvements, concrete curb and gutter and sidewalk work. It is anticipated that construction will occur this summer.

MDOT has provided the cost share amounts for the construction work based on the total construction estimate. The Federal cost share will be up to \$320,000 or 81.85% of construction cost, whichever is less. The City of Midland is responsible for the remaining portion of the cost. Based on the total construction estimate of \$394,400 the City share amounts to \$74,400. The cost sharing requirements are outlined in MDOT Contract No. 17-5034 and are to be reviewed by the City Attorney. Their contracts contain standard language developed by MDOT for use on local road agency road construction projects and are consistent from year to year.

The City share was included in the 2016-2017 City budget within the Major Street Fund.

Acceptance of the attached resolution would approve entering into the cost share agreement between the City and the Michigan Department of Transportation for the improvements, subject to contract review and approval by the City Attorney.

We recommend that the project cost share agreement be accepted in the best interest of the City.





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BY COUNCILMAN

WHEREAS, the City of Midland desires to reconstruct E. Saint Andrews Road from Washington Street to E. Sugnet Road; and

WHEREAS, the City of Midland is a member of the Midland Area Transportation Study (MATS), through which funding is available from the Michigan Department of Transportation (MDOT) to cost share street reconstruction; and

WHEREAS, Contract 17-5034, prepared by MDOT and to be reviewed by the City Attorney, specifies a cost sharing agreement to be used for the project; and

WHEREAS, funding available for construction through MDOT is the lesser of \$320,000 or 81.85 percent; and

WHEREAS, the City of Midland is responsible for the balance of the construction project cost, based on current estimate to be \$74,400; and

WHEREAS, the funding for the City share is available in the Major Street Fund; now therefore

RESOLVED, that City Council authorizes the Mayor and City Clerk to sign and execute the project cost share agreement with MDOT once approved by the City Attorney, related to said improvements.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a     yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

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Selina Tisdale, City Clerk



# ST. ANDREWS

## WASHINGTON TO SUGNET

**Backup material for agenda item:**

20.     \* Inventory Purchases of Water Service Fittings - Water Distribution. SOVA

**SUMMARY REPORT TO MANAGER**  
For City Council Meeting of March 13, 2017

**SUBJECT:** WATER DISTRIBUTION – INVENTORY PURCHASES OF WATER  
SERVICE FITTINGS, BID NO. 3850

**INITIATED BY:** Joseph Sova, Utilities Director

**RESOLUTION SUMMARY:** This resolution accepts the low bid submitted by Michigan Pipe & Valve of Saginaw for inventory purchases of water service fittings, and authorizes a purchase order in an amount not to exceed \$48,820.40, in accord with Sec. 2-18 of the Code of Ordinances for the City of Midland, and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • [CitizenCommentsWater@midland-mi.org](mailto:CitizenCommentsWater@midland-mi.org)

March 8, 2017

Jon Lynch, City Manager  
Midland, Michigan

Re: WATER DISTRIBUTION – INVENTORY PURCHASES OF WATER SERVICE  
FITTINGS, BID NO. 3850

Dear Mr. Lynch:

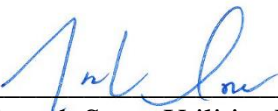
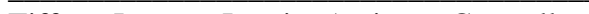
The City's Water Distribution Department repairs water mains, installs new services, and replaces corroded bolts and fittings throughout the distribution system. As many of these items require immediate attention when discovered, it is necessary to have an inventory of fittings and parts available. Periodic solicitations for bids are necessary as prices for much of the Department's inventory needs are only held by the vendor for a short period of time.

On Tuesday, February 28, 2017, sealed bids were received and opened for Bid No. 3850, Water Service Fittings. The bids received were for 50 individual items, based on estimated quantities to be purchased. Michigan Pipe & Valve of Saginaw was the low bidder.

Staff considers the bid from Michigan Pipe & Valve to be acceptable, and recommends award for inventory purchases of water service fittings from Water Enterprise Fund Account #591.13.031 – Water Parts Inventory.

The attached resolution will authorize a purchase order to Michigan Pipe & Valve in the amount of \$48,820.40, and further authorizes the City Manager to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00. A 3/5 vote is required to approve the resolution.

Respectfully submitted,

  
\_\_\_\_\_  
Joseph Sova, Utilities Director  
\_\_\_\_\_  
Tiffany Jurgess, Interim Assistant Controller



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • [CitizenCommentsWater@midland-mi.org](mailto:CitizenCommentsWater@midland-mi.org)

BY COUNCILMAN

WHEREAS, the City's Water Distribution Department repairs water mains, installs new services, and replaces corroded bolts and fittings throughout the distribution system; and

WHEREAS, many of these items require immediate attention when discovered, so it is necessary to have an inventory of fittings and parts available; and

WHEREAS, sealed bids for Bid No. 3850 Water Service Fittings, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, staff considers the low bid received from Michigan Pipe & Valve of Saginaw to be acceptable, and recommends award for inventory purchases of water service fittings; and

WHEREAS, the purchases will be made from Water Enterprise Fund Account #591.13.031 – Water Parts Inventory; now therefore

RESOLVED, that a purchase order is hereby authorized to Michigan Pipe & Valve of Saginaw in the amount of \$48,820.40 for inventory purchases of water service fittings; and

RESOLVED FURTHER, that the City Manager is hereby authorized to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

---

Selina Tisdale, City Clerk

**Backup material for agenda item:**

21. \* Zoning Petition No. 610 - to amend the City of Midland Zoning Map by rezoning property located at 506 and 718 East Buttles Street from RC Regional Commercial zoning to Downtown zoning (4/10). KAYE

**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 3-13-17**

**SUBJECT:** Zoning Petition No. 610

**PETITIONER:** Michigan Baseball Foundation

**PLANNING COMMISSION PUBLIC HEARING:** February 28, 2017

**PLANNING COMMISSION ACTION:** Recommendation of approval.

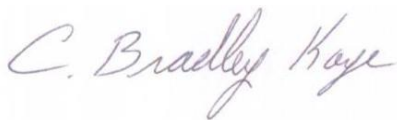
**SUMMARY:** ACTION TO SET A PUBLIC HEARING TO AMEND THE CITY OF MIDLAND ZONING MAP BY REZONING PROPERTY LOCATED AT 506 AND 718 EAST BUTTLES STREET FROM RC REGIONAL COMMERCIAL ZONING TO DOWNTOWN ZONING.

**ITEMS ATTACHED:**

1. Letter to City Manager setting forth Planning Commission action.
2. Resolution for City Council Action.
3. Staff Report to Planning Commission dated February 5, 2017.
4. Planning Commission minutes of February 28, 2017 (public hearing).
5. Map showing location of property.

**CITY COUNCIL ACTION:**

1. Public hearing is required. Date: April 10, 2017.
2. Advertising date: March 25, 2017.
3. Public Hearing notification to area residents mail date: March 24, 2017.
4. 3/5 vote required to set a public hearing.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK

3-8-17





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March 8, 2017

Jon Lynch, City Manager  
City Hall - 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Lynch:

At its meeting on Tuesday, February 28, 2017, the Planning Commission considered Zoning Petition No. 610, the request of Michigan Baseball Foundation to rezone the property located at 506 and 718 East Buttles Street from Regional Commercial zoning to Downtown zoning.

After deliberation on the petition, the Planning Commission took the following action:

Motion by Heying and seconded by Stamas to recommend to City Council the approval of Zoning Petition No. 610 initiated by Michigan Baseball Foundation to zone the property at 506 and 718 East Buttles Street from Regional Commercial zoning to Downtown zoning.

Vote on the motion:

YEAS:	Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, Stamas and Tanzini
NAYS:	None
ABSENT:	None

The motion was approved 9 to 0.

No public comments were received at the public hearing held by the Planning Commission.

The City Council is therefore being requested to set a public hearing to consider Zoning Petition No. 610 for April 10, 2017 at 7:00 p.m.

Respectfully,

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK/djm

LETTER OF TRANSMITTAL – ZP #610 Set PH



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BY COUNCILMAN

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, February 28, 2017 for property located at 506 and 718 East Buttles Street for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from Regional Commercial zoning to Downtown zoning; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, April 10, 2017, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before March 24, 2017 and to publish said notice on March 25, 2017.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A DOWNTOWN ZONING DISTRICT WHERE A REGIONAL COMMERCIAL ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

506 EAST BUTTLES STREET

ALL OF BLK 49 ORIGINAL PLAT OF MIDLAND

718 EAST BUTTLES STREET

LOTS 9 THRU 16 BLK 48 LARKINS ADD & LOTS 1,2,3,4,7,8 BLK 48 ORIGINAL PLAT OF MIDLAND

Be, and the same is hereby changed to Downtown zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a        yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

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Selina Tisdale, City Clerk



ZP #610

Date: February 5, 2017

### STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Zoning Amendment Petition #610 (Rezoning Request)

APPLICANT: Michigan Baseball Foundation

LOCATION: 506 & 718 East Buttles Street

AREA: 5.71 acres (includes portions of abutting street right-of-ways)

ZONING: EXISTING: RC Regional Commercial & DNO Downtown Northside Overlay  
 PROPOSED: D Downtown & DNO Downtown Northside Overlay

ADJACENT ZONING: NE: OS Office Service  
 NW: RC Regional Commercial  
 SE: COM Community  
 SW: D Downtown & RC Regional Commercial

ADJACENT DEVELOPMENT: NE: Vacant parcels, single-family homes  
 NW: Private parking lot, storage building  
 SE: Dow Diamond  
 SW: Office building, gas station, private parking lots

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### REPORT

Zoning Petition No. 610, initiated by the Michigan Baseball Foundation, proposes to rezone property located at 506 and 718 East Buttles Street from RC Regional Commercial to D Downtown. There are no conditions offered by the applicant; therefore, the full contents of D Downtown zoning must be considered. In order to apply uniform zoning to this area, portions of the abutting street right-of-ways have been included in the petition.

### BACKGROUND

The subject properties are currently used as private, surface parking lots. 506 E Buttles Street was formerly used as a pre-owned automobile dealership. 718 E Buttles Street was formerly used as a new vehicle dealership and housed the buildings associated with the dealership and the vehicle display lot. Currently, 506 E Buttles Street is used for parking during Great Lakes Loons home games. During business hours, the lot at 718 E Buttles St is used for parking by employees in the East End office building. It is also used during home games of the Great Lakes Loons.

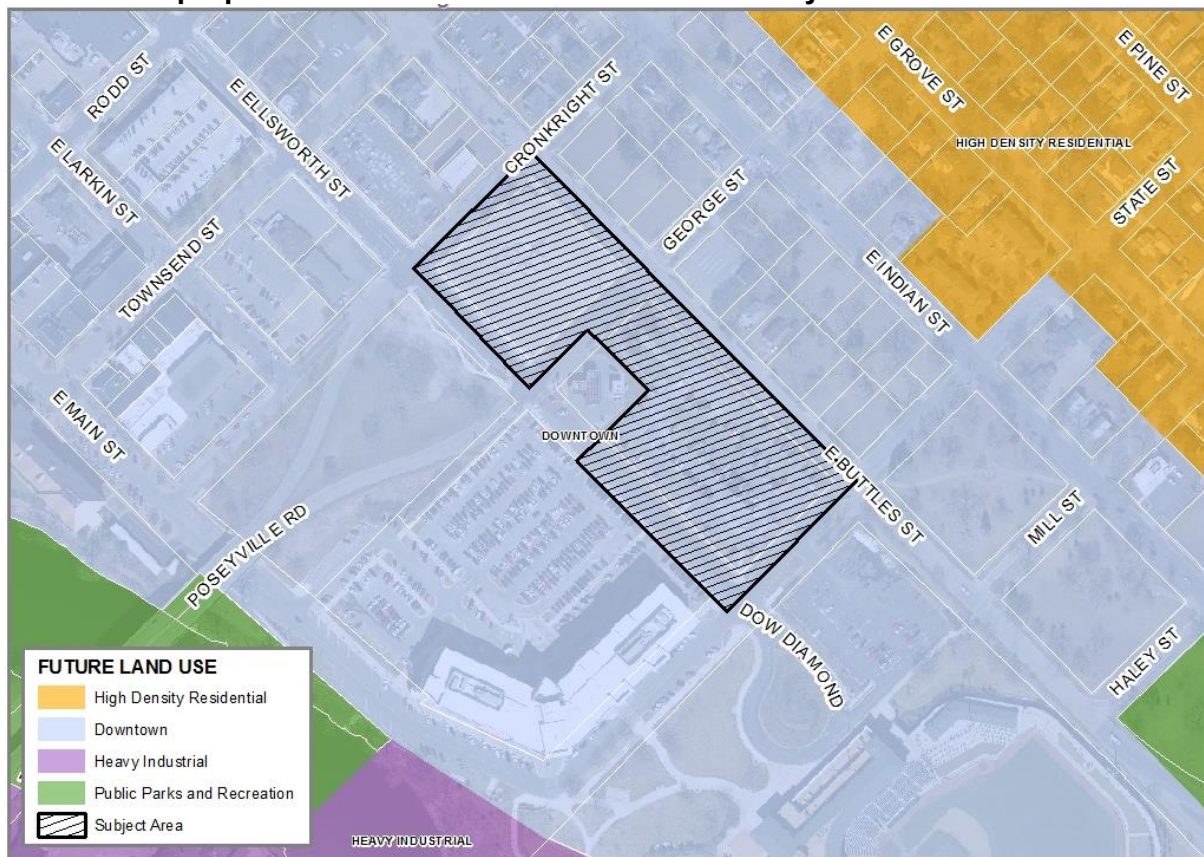
Historically, the two sites have been used primarily for auto-oriented businesses, a development pattern the RC Regional Commercial zoning district is specifically designed for. As Downtown has shifted towards an increasingly pedestrian-oriented built environment, a zoning district that better supports this style of development is now desired.

Surrounding the subject site, other rezoning of properties from RC Regional Commercial to D Downtown has also taken place in recent years. Most recently, the site occupied by the East End office building was rezoned from RC Regional Commercial to D Downtown. If the subject zoning petition is approved, only a small portion of the original RC Regional Commercial zoning district will remain covering the gas station at the northeast corner of George Street and E Ellsworth Street, the City-owned area between the on and off ramps leading to the Poseyville Road bridge, and the abutting street right-of-ways. It is anticipated in the short term that City staff will initiate a zoning petition to rezone these remaining City-owned areas to D Downtown. This will bring the land into consistency with the intended future land use, as established by the City's Master Plan, and the zoning of the vast majority of the properties.

### ASSESSMENT

In accordance with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at minimum, consider the following before taking action on any proposed zoning map amendment:

#### 1. Is the proposed amendment consistent with the City's Master Plan?



Yes. The Future Land Use map of the City's Master Plan identifies this property as Downtown.

According to the Master Plan, the intent of the Downtown designation is to support the goals of expanding and enhancing the vibrancy of the Downtown by adding density, mixed-uses developments, and incorporation of the ballpark area. The boundaries of this designation provide flexibility for a healthy variety of uses, including mixed-use buildings and developments, without identifying specific properties for each different residential, commercial, office, or civic use. The goal of the Downtown and Multi-Use Center designations is to jointly provide a wide range of density and complementary land uses. D Downtown is viewed as the most appropriate zoning district to implement these objectives.

**2. Will the proposed amendment be in accordance with the intent and purpose of the Zoning Ordinance?**

Yes. In staff's opinion, the proposed rezoning would promote the intent of the zoning code through reclassification of the parcel as stated (outlined below) in the City's zoning code.

**Section 1.02 B INTENT**

*It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Midland by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to minimize congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities; to establish standards for physical development in accordance with the objectives and policies contained in the Master Plan (Comprehensive Development Plan); and to provide for the administration and enforcement of such standards.*

**3. Have conditions changed since the Zoning Ordinance was adopted that justifies the amendment?**

Yes. Since the current zoning district was applied, there have been major changes to the site and the surrounding area. The automobile dealership uses have ceased on the two sites, and the buildings associated with this use have been removed. Updates to the surface parking lot areas have also taken place.

Additionally, the City's Master Plan has evolved to plan for an enlarged downtown area that incorporates the subject properties, exemplified by the Future Land Use designation of the subject and surrounding sites.

Furthermore, there has been more redevelopment interest in the two sites that is geared towards a more pedestrian-oriented, mixed use style of development rather than the auto-oriented style of previous years. Because of these conditions, the property owner is petitioning for a zoning district that better suits and facilitates this pattern of development.

**4. Will the amendment merely grant special privileges?**

No. The area is planned for Downtown development by the City. The proposed use of the subject parcel and those of the adjoining parcels are suitable for Downtown development. Approval of this amendment will grant only privileges that are envisioned by the Master Plan.

**5. Will the amendment result in unlawful exclusionary zoning?**

No. The zoning amendment would continue an adjacent pattern of zoning designation. This parcel will add to the existing D Downtown zoning district that is in the immediate area.

**6. Will the amendment set an inappropriate precedent?**

No. The zoning petition is supported by the City's Master Plan and its Future Land Use map.

**7. Is the proposed zoning consistent with the zoning classification of surrounding land?**

Partially. Surrounding lands to the northwest and some to the southwest exhibit a pattern of Downtown zoning. The balance of lands to the southwest exhibit a pattern of Regional Commercial zoning. Lands to the northeast exhibit zoning of Office Service nature; whereas, lands to the southeast exhibit Community zoning.

The proposed zoning amendment will permit a variety of pedestrian-oriented and mixed use development. This is considered an appropriate use given the surrounding development that is envisioned by the Master Plan and currently permitted by zoning on lands to the immediate southwest and northwest.

**8. Is the proposed zoning consistent with the future land use designation of the surrounding land in the City Master Plan?**

Yes. The current Master Plan, as amended in 2016, supports the subject properties to be used for Downtown purposes. The D Downtown zoning is an appropriate zoning district to facilitate the Master Plan's vision for the subject properties.

**9. Could all requirements in the proposed zoning classification be complied with on the subject parcel?**

Yes. The subject parcels could meet all of the D Downtown requirements for new developments. The subject sites can also meet the requirements of the current overlying DNO Downtown Northside Overlay zoning district, although there are no proposed changes to the overlay district.

**10. Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?**

Yes. The zoning of this parcel for Downtown purposes will be consistent with property in the surrounding area. While the existing gas station and surface parking lots are still an auto-oriented use, the recent building development trends are scaled and designed in such a way to provide pedestrian access at the street-level while also providing for a mix of land uses.

## **ADDITIONAL STAFF COMMENTS**

No written public comments have been received in support or opposition of the petition at the time this report was drafted.

## **STAFF RECOMMENDATION**

Upon review of the requested zoning change, staff recommends approval of the rezoning petition for the following reasons:

- The proposed zoning is a reasonable and logical extension of existing Downtown zoning in the area.
- D Downtown zoning is a reasonable and appropriate zoning classification that will permit development of the subject lands for uses compatible with the neighboring commercial and downtown development.
- D Downtown zoning would continue the development pattern envisioned by the City of Midland Master Plan.
- The proposed zoning district is considered appropriate given the anticipated future development patterns in the area as envisioned by the current property owners.

## **PLANNING COMMISSION ACTION**

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on February 28, 2017 and will formulate an appropriate recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on March 13, 2017 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council will schedule a public hearing for April 10, 2017 at which time a decision will be made on the proposed zoning change. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,



C. Bradley Kaye, AICP  
Assistant City Manager for Development Services

/grm



**MINUTES OF THE MEETING OF THE  
MIDLAND CITY PLANNING COMMISSION  
WHICH TOOK PLACE ON  
TUESDAY, FEBRUARY 28, 2017, 7:00 P.M.,  
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman McLaughlin
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

3. **Roll Call**

**PRESENT:** Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, Stamas and Tanzini

**ABSENT:** None

**OTHERS PRESENT:** Brad Kaye, Assistant City Manager for Development Services; Grant Murschel, Community Development Planner; and one (1) other.

4. **Approval of Minutes**

Moved by Hanna and seconded by Mayville to approve of the minutes as amended of the regular meeting of February 14, 2017. Motion passed unanimously.

5. **Public Hearing**

- a. **Zoning Petition No. 610** – initiated by Michigan Baseball Foundation to rezone the property located at 506 and 713 East Buttles Street from RC Regional Commercial zoning to D Downtown zoning.

Murschel gave the staff presentation on the petition. He gave an overview of the site location, current zoning in the area, and the Master Plan future land use designation. He reviewed the criteria for rezoning requests that are established by the City Zoning Ordinance. The petition is in line with the future land use designation of the Master Plan. The applicant is preparing the underlying zoning to be in line with future pedestrian-oriented, mixed use development that is common throughout the rest of downtown.

Dan Rogers, Project Director for Momentum Midland, presented as the representative for the applicant. He indicated that the Michigan Baseball Foundation is moving forward with this rezoning to be ready for any future developer who might be interested in developing the sites for mixed-use, urban purposes.

A motion was made by Heying to waive the procedural requirements to permit consideration of the proposed application. The motion was seconded by Hanna. The motion was approved unanimously.

Mayville commented that it makes sense with how development has trended in recent years. Stamas said that the petition is in line with what is envisioned in the Master Plan.

It was moved by Heying and supported by Stamas to recommend approval of Zoning Petition No. 610 initiated by Michigan Baseball Foundation to rezone the property located at 506 and 713 East Buttles Street from Regional Commercial zoning to Downtown zoning.

**YEAS:** Bain, Hanna, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, Stamas and Tanzini  
**NAYS:** None

**6. Old Business**

None

**7. Public Comments (unrelated to items on the agenda)**

None

**8. New Business****a. LCMR Setbacks**

Kaye provided the staff commentary on this issue that was discovered through a proposal to construct a walkway and visitor center that runs across three property lines on the Dow Chemical corporate campus. Currently, the interior setbacks are 20 feet, whether abutting LCMR or any other zoning district. Two possible ways of solving such an issue have been identified by staff. One option would be to designate the Dow corporate campus as a singular site where consideration would only be given towards development abutting public property or private property not owned by Dow. The second option would be to reduce the interior lot line setbacks within LCMR zoning districts to a zero foot requirement. The second option would be similar to how other zoning districts are treated, such as RC Regional Commercial, CC Community Commercial, and both Industrial districts.

Mayville and Hanna wondered what the public notification process would look like. Mayville would like to see staff take a full review of such actions and the positives and negatives that they might generate. Bain wondered if there are other campuses across the city that might have similar issues.

Hanna inquired how future widening of Waldo Avenue might be impacted by such changes. Kaye responded that it would not be impacted by the type of changes to zoning that are being discussed right now.

**9. Communications**

Planning & Zoning News was given to members of the Planning Commission.

**10. Report of the Chairperson**

None

**11. Report of the Planning Director**

None

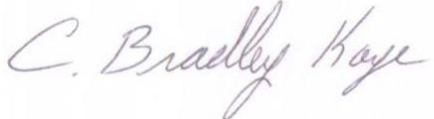
**12. Items for Next Agenda – March 14, 2017**

- a. Site Plan No. 356 – initiated by Richard L. Fosgitt, PE on behalf of Earl Dr. Bennett Construction, Inc. for site plan review and approval for the construction of Forestview Crossings, a 34 unit single family residential site condominium project, located at 9203 Eastman Avenue.
- b. Annual Report

**13. Adjourn**

It was motioned by Mayville and seconded by Hanna to adjourn at 7:56 p.m. Motion passed unanimously.

Respectfully submitted,

A handwritten signature in blue ink that reads "C. Bradley Kaye". The signature is written in a cursive, flowing style.

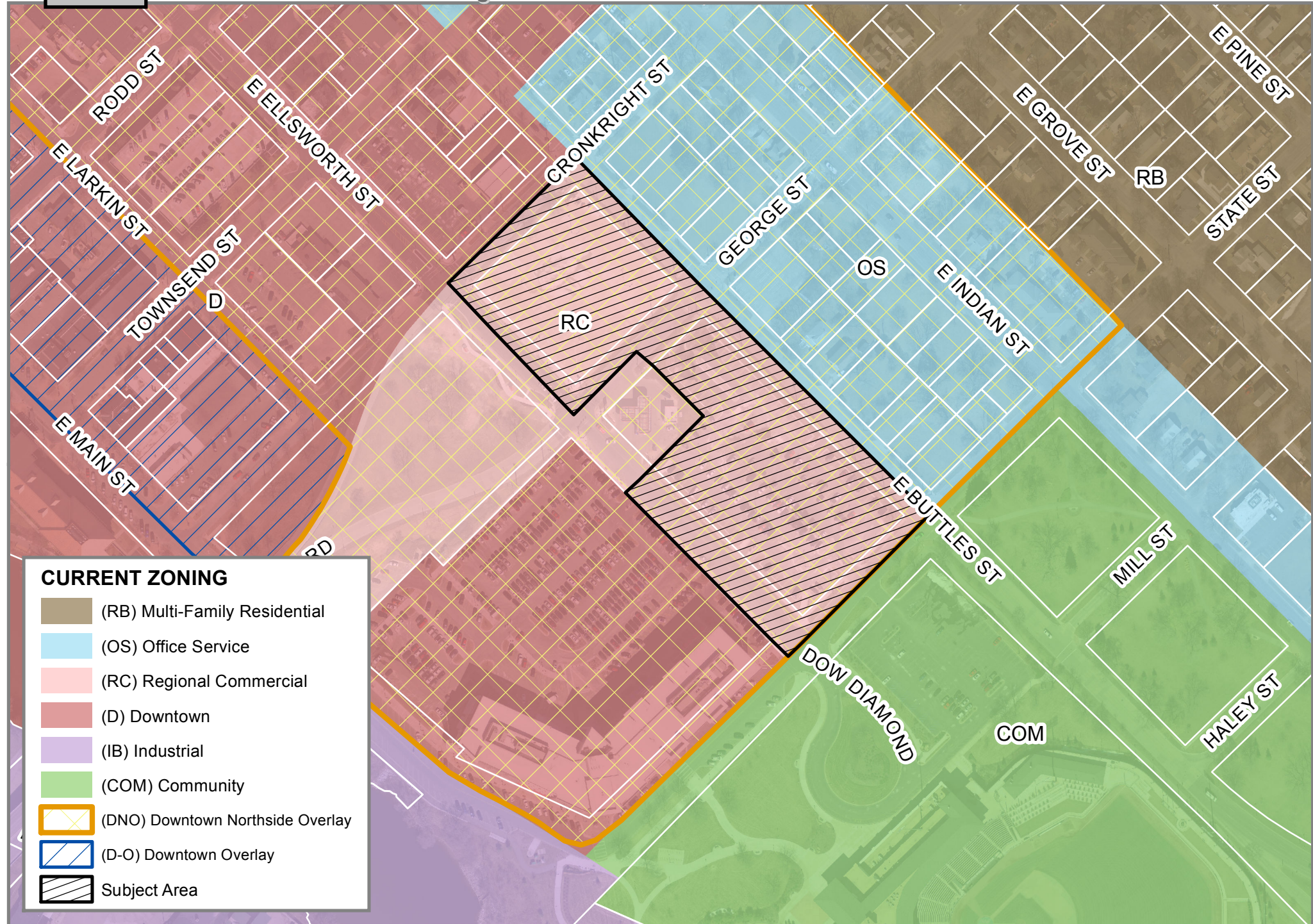
C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

# ZP #610 | RC Regional Commercial to D Downtown



> 5 Page 224 8 E Buttles Street - Michigan Baseball Foundation





**Backup material for agenda item:**

22.     \* Proposed 2017-18 Community Development Block Grant budget (4/24).  
KAYE

**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 3-13-2017**

**SUBJECT:** 2017-18 Community Development Block Grant Budget

**HOUSING COMMISSION PUBLIC HEARING:** March 6, 2017

**HOUSING COMMISSION ACTION:** Recommendation of approval

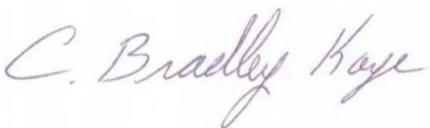
**RESOLUTION SUMMARY:** THIS RESOLUTION WILL SET APRIL 24, 2017, AS THE DATE FOR A PUBLIC HEARING ON THE PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FOR FISCAL YEAR 2017-18.

**ITEMS ATTACHED:**

1. Letter to City Manager setting forth Housing Commission action.
2. Resolution to set City Council public hearing with table (Attachment A) showing recommended distribution of funds.
3. Staff Report to Housing Commission dated March 2, 2017.
4. Housing Commission minutes (draft) of March 6, 2017.

**CITY COUNCIL ACTION:**

1. Public hearing is required. Date: April 24, 2017.
2. Advertising date: On or before March 21, 2017.
3. 3/5 vote required to set a public hearing.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

/grm



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)*

March 8, 2017

Jon Lynch, City Manager  
City Hall - 333 West Ellsworth Street  
Midland, Michigan 48640

Dear Mr. Lynch:

As a requirement of the Community Development Block Grant (CDBG) program, the City of Midland is required to formulate an annual budget that outlines the planned activities to be accomplished during the upcoming fiscal year. The development of this budget begins with community engagement through a set of public input sessions held in December prior to the start of the fiscal year. In January, staff receives applications from various local nonprofit social service organizations and housing providers proposing use of CDBG funds to support activities that meet the federal statutory goals and City objectives of the program. During early February, the applicants are able to present their requests to the Midland City Housing Commission during a special meeting.

Following the applicants' presentations, staff formulates a proposed budget to the Housing Commission for their review and recommendation. This proposed budget includes award amount recommendations on the various applications and any planned expenditures for various City-administered activities, such as general planning/administration, housing rehabilitation loans, and contingency funds. The Housing Commission takes the staff proposal and then formulates a recommended budget to City Council. Upon receipt of that recommendation, City Council sets a public hearing for the purpose of receiving additional public input on the budget, allowing for a 30-day public comment period between when the hearing is scheduled and when it takes places.

For fiscal year 2017-18, the City of Midland is estimating to receive \$240,000 in new CDBG entitlement funds from the U.S. Department of Housing and Urban Development (HUD). Staff anticipates \$86,405 will be available in carry-over funds from prior years. In addition, an estimated \$15,000 in program income will be received during the year, making for a total of \$341,405 in available funds for the 2017-18 fiscal year.

Enclosed are the CDBG expenditure proposals for fiscal year 2017-18, which includes comments on the various activities to be funded. For the CDBG program, federal goals include decent housing, a suitable living environment, and expanded economic opportunities. The City's primary objective, as established in the 2015-2020 Consolidated Plan, is to provide a public and private cooperative environment leading to effective community development and housing initiatives which meet the needs of people across all socioeconomic groups of the city of Midland, with the direct benefit towards low- and moderate-income residents. Staff considers all of the proposed activities to meet federal statutory goals and the City's objectives of the CDBG program.

Following a public hearing and deliberation on the proposed CDBG budget during their meeting on March 6, 2017, the Housing Commission took the following action: It was moved by Wright and seconded by Burgess to recommend approval to City Council the proposed CDBG 2017-18 budget as presented in the staff report dated March 2, 2017. The motion was approved unanimously (4-0).

A resolution setting the date of April 24, 2017 for the required public hearing is attached for Council consideration. It should be noted that further requirements of the CDBG program are such that the City must adopt the 2017-18 CDBG budget in time for it to be submitted to HUD no later than May 15, 2017.

Respectfully,

A handwritten signature in purple ink that reads "C. Bradley Kaye". The signature is written in a cursive, flowing style.

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

/grm





*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov*

BY COUNCILMAN

WHEREAS, the City of Midland is estimated to receive \$240,000 in Community Development Block Grant (CDBG) funds for fiscal year 2017-18 from the U.S. Department of Housing & Urban Development; and

WHEREAS, it is expected that the City will have a fund balance of \$86,405 that will be carried over from prior fiscal years; and

WHEREAS, it is expected that the City will receive a total of \$15,000 in program income during the 2017-18 fiscal year; and

WHEREAS, CDBG revenues totaling \$341,405 must be programmed to activities that meet the statutory goals and the City's objectives of the CDBG program, as outlined in the 2015-2020 Consolidated Plan; and

WHEREAS, on March 6, 2017, the Housing Commission unanimously recommended approval of the proposed 2017-18 CDBG budget, as set forth in the attached table (Attachment A), which meets said goals and objectives of the CDBG program; and

WHEREAS, it is necessary to provide an opportunity for public input on the proposed expenditure of said funds in accordance with the required 30-day public comment period to commence on Tuesday, March 21, 2017; now therefore

RESOLVED, that a public hearing will be held on April 24, 2017, for the purpose of receiving public input on the use of federal funds through the City's Community Development Block Grant program, as set forth in the attached table (Attachment A).

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a      yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 13, 2017.

---

Selina Tisdale, City Clerk

**Attachment A**  
**Community Development Block Grant**  
**Proposed Budget 2017-18**

<b><u>REVENUE</u></b>	<b><u>Staff Proposal</u></b>
2017-18 Entitlement	\$ 240,000.00
Carry-over from prior years	\$ 86,405.00
2016-17 Program Income	\$ 15,000.00
<b>Subtotal</b>	<b>\$ 341,405.00</b>
 <b><u>EXPENDITURES</u></b>	
<b>Planning/Administration</b>	<b>\$ 43,000.00</b>
<b>Housing Rehabilitation</b>	
Administration	\$ 6,500.00
Zero-Interest Loans	\$ 33,496.00
Reece Endeavor – Stove Top Safety	\$ 1,510.00
Midland Area Homes - Minor Repairs	\$ 25,000.00
Habitat for Humanity - NRI Home Improvement	\$ 10,000.00
MAH/Habitat for Humanity – Collaborative Roofing	\$ 30,000.00
<b>Subtotal</b>	<b>\$ 106,506.00</b>
<b>Public Facility Improvements/Multi-Family Rehabilitation</b>	
Big Brothers Big Sisters GLBR – Roof Replacement	\$ 16,399.00
Cleveland Manor – Energy & Dehumidifier Improv.	\$ 35,000.00
Windover High School – Walk-In Fridge/Freezer	\$ 49,000.00
Washington Woods – Path Lighting Upgrades	\$ 38,000.00
Big Brothers Big Sisters GLBR – Siding Replacement	\$ - .00
<b>Subtotal</b>	<b>\$ 138,399.00</b>
<b>Public Services</b>	
Legal Services - Fair Housing Testing	\$ 3,500.00
West Midland Family Center - Family Ties	\$ 10,000.00
MCFOAR – Housing/Work Assistance	\$ 10,000.00
<b>Subtotal</b>	<b>\$ 23,500.00</b>
<i>Public Services Cap</i>	
<i>(15% of Ent. And P.Y. Program Income)</i>	\$ 38,250.00
<b>Architectural Barrier Removal</b>	
MAH - Accessibility Ramps & Modifications	\$ 5,000.00
<b>Affordable Housing</b>	
Habitat for Humanity – Land Acquisition	\$ 15,000.00
<b>Contingency</b>	<b>\$ 10,000.00</b>
 <b>GRAND TOTAL</b>	 <b>\$ 341,405.00</b>



## AMENDED STAFF REPORT TO THE HOUSING COMMISSION FOR THE MEETING OF MARCH 6, 2017

DATE: March 2, 2017

SUBJECT: Proposed 2017-18 Community Development Block Grant Budget

As a requirement of the Community Development Block Grant (CDBG) program, the city is required to formulate an annual budget which sets out the anticipated activities for the year. This budget is the basis for the annual Action Plan that will be submitted to the U.S. Department of Housing and Urban Development (HUD) for approval before the start of each program year. The budget process begins with an initial proposal from staff which is presented to the Housing Commission. The Housing Commission reviews the proposal, revises it as the Commission sees fit and then formulates a recommendation onto City Council thereafter. Ultimately, City Council adopts the CDBG budget for the program year following their public hearing and a 30-day public comment period.

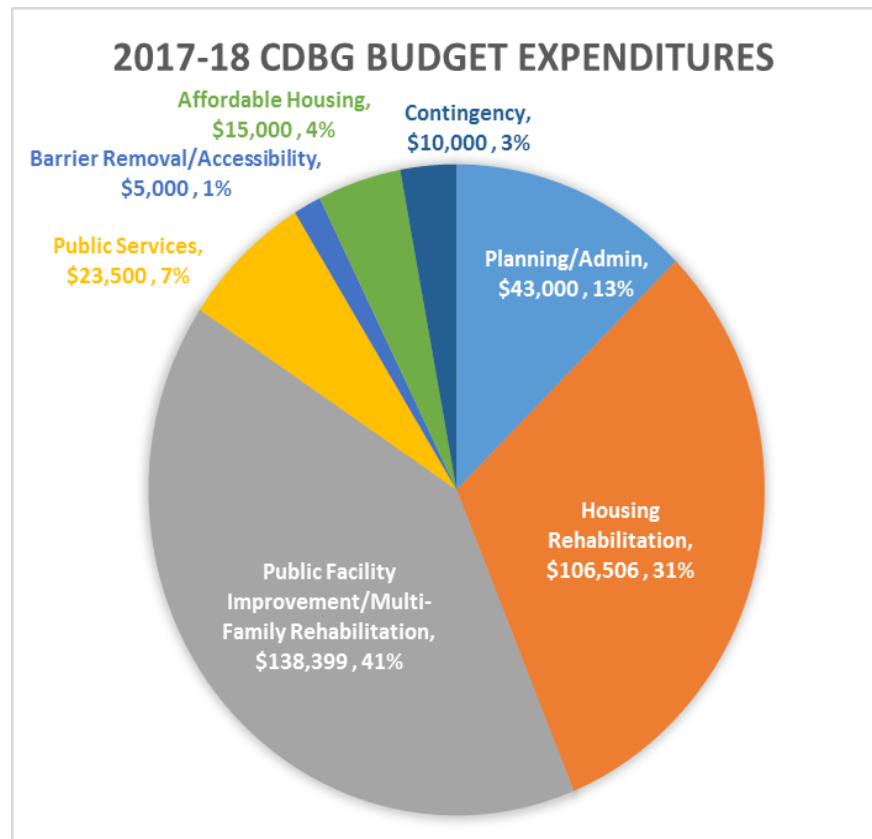
Staff has formulated the following CDBG budget proposal for the 2017-2018 program year that begins July 1, 2017. The total funding available for the annual budget is the sum of three pieces: yearly entitlement, carry-over from previous years, and program income. For the first piece, City staff anticipates receiving a similar amount in entitlement funds as in previous years – approximately \$240,000. This estimate is the result of consultations with the City's HUD representative. For the second piece, staff anticipates that \$86,405 will be carried-over from the current program year (2016-17) in unspent and unallocated funds. Lastly, \$15,000 in program income is estimated to be collected during the year. The total resulting amount is \$341,405.

### Prior Year Carry-Over Funds

Staff has calculated an amount of carry-over funds based off the current budget and anticipated results of current activities and the budget outcomes for each activity. It is anticipated that various activities will come in under budget for the year and portions of activity budgets will go unspent. The \$10,000 budgeted for contingency has also gone unspent to-date. It is not anticipated that any contingency funds will be used between now and the end of the year.

### Proposed Activity Expenditures

The graph to the right indicates the breakdown by category for the proposed staff budget expenditures. The following is a summary of the proposed expenditures and the activities proposed to be funded. All proposed activities are considered to be in line with the goals and objectives of the 2015-2020 Consolidated Plan.



## GENERAL PROGRAM PLANNING AND ADMINISTRATION

### 1. **Planning/Administration - \$43,000**

These funds cover a portion of the salary and benefits of city staff (primarily the Community Development Planner) for administering the CDBG program, the cost of HUD training throughout the year, office supplies needed to administer the CDBG program, required notices in the Midland Daily News, and mortgage recording fees amongst other planning costs. HUD regulations state that no more than 20% of the total project/service expenditures throughout the program year shall be expended for planning and administrative costs. Based off of the budget as proposed, this category can be no more than \$68,281. This year's proposal retains this category at the same funding level as in the current and previous years.

## HOUSING REHABILITATION

### 2. **Housing Rehabilitation Administration - \$6,500**

These funds pay for a portion of the salary and benefits of the city's Housing Technician to oversee the city's housing rehabilitation loan program, as well as required certifications, lead training and other training sessions for the position throughout the year. This item was funded at \$10,000 for the current year. Staff recommends reducing the funding to this category to \$6,500 given the lower amount of funding proposed for the city's housing rehabilitation loan program than in years past.

### 3. **Zero-Interest Home Rehabilitation Loans - \$33,496**

Deferred payment, zero-interest home rehabilitation loans are administered through the Planning Department by the Community Development Planner and the Housing Technician. These loans benefit low- and moderate-income households and are used for emergency repairs, such as new roofs, plumbing, electrical upgrades, furnace replacement, etc. Over the last few years, these loans have been utilized exclusively for emergency rehabilitation, with project costs ranging from \$500 to \$15,000. This activity was funded at essentially the same level for the current year at \$32,392.

### 4. **Reece Endeavor: Stove Top Fire Safety - \$1,510**

Reece Endeavor of Midland is requesting \$1,510 to purchase small automatic stove top fire suppression devices for installation at each of the 35 homes the organization owns within the city of Midland. Reece Endeavor provides housing opportunities to persons with physical and cognitive disabilities. Such fire suppression devices would operate automatically in the case of a fire on the top of a range stove, thereby improving the safety measures within each home. Staff is recommending funding of this activity in full.

### 5. **Midland Area Homes: Minor/Emergency Home Repairs - \$25,000**

Midland Area Homes (MAH) is requesting \$25,000 to provide eligible low-income city of Midland homeowners with health, safety, and emergency repairs to their homes. This funding focuses primarily on covering the costs associated with small, urgent-need repair projects. The projects are provided to the homeowners as a grant where the costs do not need to be repaid. MAH has been awarded money for this program for many years, including \$25,000 in the current program year. Given the documented need in the community for owner-occupied housing rehabilitation, staff recommends funding this activity in full.

### 6. **Midland County Habitat for Humanity: NRI Home Improvements - \$10,000**

Habitat for Humanity is requesting \$10,000 to purchase materials (windows, gutters, doors, shingles, etc.) for home improvements to a single house through its Neighborhood Revitalization Initiative. This home will be in need of critical home repair, meaning that at least 15% of the home's value will be invested in exterior improvements. Habitat has raised additional monies for this initiative and as much as \$50,000 could be leveraged in additional local funds for the NRI program in total. Staff is recommending this activity be funded in full.

### 7. **Habitat for Humanity & Midland Area Homes: Collaborative Roofing Initiative - \$30,000**

Midland County Habitat for Humanity and Midland Area Homes have submitted a joint application for CDBG funding to cover costs associated with a new collaborative effort between the two organizations. This effort will seek to meet the needs of low-income homeowners who are in need of

roof repairs or replacements. Midland Area Home will conduct the intake and initial assessment, and Habitat for Humanity will provide the construction and financial administration. This joint venture between the two organizations was funded in the current year for \$20,000. Staff is recommending funding this proposal in full at \$30,000 to continue this collaboration and to better meet the roofing need, as documented by Midland Area Homes and Habitat for Humanity, within the city.

## **PUBLIC FACILITY IMPROVEMENTS**

**8. Big Brothers Big Sisters of the Great Lakes Bay Region: Roof Replacement - \$16,399**

Big Brother Big Sisters is requesting \$16,399 to fund the replacement of the roof at the organization's headquarters on N. Saginaw Road. BBBS has indicated that the 20 year-old roof is in need of replacement, including new gutters and downspouts, as leaks have become more widespread. Repair work can only temporarily fix the issue as a new roof is now needed according to the construction professionals who work with the organization's capital maintenance committee. As the space is used for work with "Littles" and the training of "Bigs" who do work with "Littles", the building is eligible for CDBG dollars. In 2015-16, CDBG funds were used to rehabilitate a portion of the basement for office and conference space. Staff is recommending this activity be funded in full in order to ensure the sustainability of this space. (Subject to Davis-Bacon Requirements)

**9. Cleveland Manor: Energy & Dehumidifiers Improvements- \$35,000**

Cleveland Manor submitted a combined request for \$65,000 to cover lighting/energy improvements and for the replacement of 60 dehumidifiers to Energy Star units. Due to limited revenue for the year, staff is recommending funding this request only in part at \$35,000. At this amount, Cleveland Manor would be able to select which of the two projects could be completed in full or whether a portion of each could be completed. (Subject to Davis-Bacon Requirements)

**10. Windover High School: Walk-in Refrigerator/Freezer- \$49,000**

Windover High School is requesting \$49,000 to upgrade the facility's kitchen with an energy efficient walk-in refrigerator/freezer. This improvement will greatly impact the capacity of the school's budding culinary arts program, a program that is used by a large portion of the school's low-income students. Staff is recommending this item be funded in full. (Subject to Davis-Bacon Requirements)

**11. Washington Woods: Path Lights - \$38,000**

Washington Woods is requesting \$38,000 to cover the costs associated with removing and installing new lights along the path behind the facility. Following recent security issues this past summer, completion of this project will benefit the entire facility from both a security and safety standpoint. Staff is recommending this request be funded in full. (Subject to Davis-Bacon Requirements)

**12. Big Brothers Big Sisters of the Great Lakes Bay Region: Siding Replacement**

Big Brothers Big Sisters (BBBS) has also requested \$18,837 for the replacement of siding at the organization's headquarters. Due to budget constraints, staff is recommending to not fund this activity.

## **PUBLIC SERVICES**

*The public services category is capped at 15% of the year's entitlement amount (est. \$240,000) plus prior year program income (est. \$15,000). For 2017-18, staff calculates this cap to be \$38,250.*

**13. Legal Services of Eastern Michigan: Fair Housing Testing - \$3,500**

Legal Services is requesting \$3,500 to provide on-going testing and enforcement activities that will curb housing discrimination and guarantee equal opportunity access to housing within the City of Midland. On-going fair housing activities including testing are necessary and in line with the objective of the City's 2015 Fair Housing Plan. Legal Services have been providing these services to the community for many years, including during this current year under the award amount of \$3,500. Staff recommends awarding the amount requested in full again this year.

**4. West Midland Family Center: Family Ties Program - \$10,000**

West Midland Family Center is requesting \$10,000 for their Family Ties Program which focuses on strengthening low-income, at-risk families from the city of Midland. WMFC has received funding for this program for many years including this current year in the amount of \$10,000. While concerns have been raised regarding the amount of money spent towards transportation costs associated with getting the families out to WMFC, staff is supportive of this program that has regularly and positively impacted participating city-resident families for many years. If the Housing Commission determines that these transportation concerns warrant further discussions with this organization, staff can begin conversations to determine appropriate alternatives. Staff is recommending this activity be funded in full for the upcoming year.

**15. Midland Community Former Offenders: Housing/Work Assistance - \$10,000**

Midland County Former Offenders (a subprogram of Caregiving Network) has requested \$10,000 to provide employment and housing assistance to former offenders. The inability to meet basic life needs is the number one predictor of re-offending, thus this project helps the city of Midland be a safer and more productive community by reducing recidivism. This program has demonstrated strong compliance and timely expenditure of funds, along with substantial accomplishment data over the last two years. Staff is recommending the request be awarded in full to continue this activity and the benefits it brings to the community.

**ARCHITECTURAL BARRIER REMOVAL****16. Midland Area Homes: Accessibility Ramps - \$5,000**

Midland Area Homes is requesting \$5,000 to provide extremely low-income Midland residents who are experiencing limited mobility impairments with accessibility ramps for their homes. These funds can provide up to seven ramps for low-income homes, including mobile homes. For this current year, this program received \$5,000 in CDBG funds. Due to the continued increase in requests MAH has been receiving for accessibility improvements, staff is recommending this request be funded in full at \$5,000.

**AFFORDABLE HOUSING****17. Midland County Habitat for Humanity: Land Acquisition - \$15,000**

Habitat for Humanity has requested \$11,000 to fund a portion of the costs associated with the purchase of a to-be-identified empty lot within the city of Midland. Habitat for Humanity has acquired a number of vacant parcels over the years to facilitate their housing construction program. While CDBG funds cannot be expended to fund housing construction, they can certainly be used to acquire property that will be used for new construction. This is one of the best ways CDBG dollars can directly impact the creation of new, affordable housing units. While it would be ideal for a property to be identified at this time, staff is confident that Habitat will be able to identify a suitable property in the near future, likely before the start of the program year.

**CONTINGENCY****18. Contingency - \$10,000**

Contingency funds are generally factored into the CDBG budget, as HUD allocations are not confirmed and unforeseen cost overruns for funded projects are possible. Staff is recommending allocating \$10,000 to this fund for the ability to respond to any unforeseen circumstances that might arise.

A table of the summary above can be found on the next page, labeled Attachment A.

**HOUSING COMMISSION ACTION**

Staff currently anticipates that the Housing Commission will formulate a recommendation to City Council on the 2017-18 CDBG Budget during its March 6, 2017 meeting. If this takes place, we anticipate that on March 13, 2017 the City Council will set the public hearing date for April 24, 2017, allowing for the 30-day public comment period. On April 24, 2017, we anticipate that the City Council will consider the 2017-18 CDBG budget. Please note that

es are merely preliminary and may be adjusted due to Housing Commission action and City Council agenda scheduling.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Grant Murschel". The signature is fluid and cursive, with the first name "Grant" and last name "Murschel" clearly distinguishable.

Grant Murschel  
Community Development Planner

**Attachment A**  
**Community Development Block Grant**  
**Proposed Budget 2017-18**

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 <b>GRAND TOTAL</b>	<b>\$ 341,405.00</b>



**MINUTES  
REGULAR MEETING OF THE MIDLAND CITY HOUSING COMMISSION  
MONDAY, MARCH 6, 2017, 3:00 P.M.  
333 W. ELLSWORTH STREET  
CITY COUNCIL OVERFLOW ROOM  
MIDLAND, MICHIGAN**

**1. Roll Call**

PRESENT: Burgess, Mortensen, Garchow, and Wright

ABSENT: Loose

**OTHERS**

PRESENT: Brad Kaye, Assistant City Manager for Development Services; Grant Murschel, Community Development Planner; Kim Samborn, Manager of Senior Housing; Lori Jung, Assistant Manager of Senior Housing; and one (1) other.

**2. Approval of Minutes of February 13, 2017**

It was moved by Garchow and seconded by Wright to approve the minutes of Monday, February 13, 2017 as written. The motion was approved unanimously (4-0).

**3. Public Hearings**

a) Community Development Block Grant 2017-18 Budget

Murschel provided an overview of the staff recommendations for the budget. He began with a breakdown of the revenue followed by explanation of each proposed expenditure. The entitlement amount from the U.S. Department of Housing and Urban Development is an estimate as this point following consultation with the City's representative from HUD Detroit.

Mortensen wondered if it is the best to use of CDBG dollars to fund capital maintenance projects at the offices of nonprofits. While all of the nonprofits do incredible work, she is hesitant to fund general maintenance of any office facilities. Wright commented that delayed maintenance can tremendously impact the cost of repairs in the long term. Murschel commented that in the future, he could direct interested applicants away from general maintenance proposals and towards expansion of services or usable space.

Garchow commented that the available dollars can be used to meet the vast majority of requests. He believes the recommendation by staff appropriately spreads the available funds around to impact the targeted groups of people.

It was moved by Wright and supported by Burgess to recommend City Council approve the Community Development Block Grant 2017-18 Budget, as proposed by staff. The motion was approved unanimously (4-0).

**4. Public Comments**

None.

**5. Reports**

a) Senior Housing Updates – Lori Jung & Kim Samborn

Samborn presented the report for Riverside Place. She explained that staff has been able to resolve the food service issues through consultations with residents and the food service provider, Sodexo. Mortensen wondered if the new arrangement is more sustainable for Sodexo. Samborn explained that she foresees it to be in the short term. Long term, the consumer price index will drive any cost changes and any large changes in this index will require a revisit to the arrangement.

Jung provided the update on Washington Woods. She indicated that the contractor for the west side renovation is ahead of schedule and currently at 30% completion on the project. A recent pizza party was widely successful and enjoyed by many residents.

## **6. Fair Housing Update**

Murschel presented information on recent fair housing testing in the city of Midland by Legal Services of Eastern Michigan. The results of recent tests do not indicate any significant changes in fair housing issues across the city; however, LSEM is continuing to work to resolve any disputes or areas where discrimination has been identified.

## **7. Communications**

Murschel provided an update on the current CDBG program year.

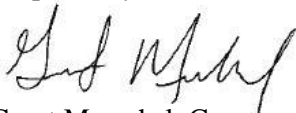
## **8. Future Meeting Date**

a) June 5, 2017 – Regular Meeting

## **5. Adjournment**

The meeting was adjourned by Vice-Chairwoman Mortensen at 3:52 p.m.

Respectfully submitted,



Grant Murschel, Community Development Planner

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE MIDLAND CITY HOUSING COMMISSION.